

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14438 of 2023

Arising Out of PS. Case No.-649 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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GANGDAYAL YADAV, aged about 55 years, Son of Late Munar Yadav R/v-
Amawa Nakchhed, Pergana Kuwari, P.S. and District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Harendra Prasad, Advocate Mr. Adesh Raj Singh, Advocate
For the Opposite Party/s	:	Ms. Madhuri Lata, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-04-2023 Let the defect(s), if any, pointed out by the office be removed within four weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned Sr. counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Gopalganj Town P.S. Case No. 649 of 2018 dated 03.11.2018 registered for the offence(s) punishable under Section(s) 420, 467, 468, 471 and 120B of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner along with other accused persons obtained favourable order from the court concerned in respect of a land in question



by using of forged and fabricated documents under conspiracy.

The main submissions advanced by the learned Sr. counsel for the petitioner are that the instant matter is based on the complaint filed by the complainant, namely, Satyapal Arya against the petitioner and two co-accused persons, namely, Radhika Devi and Yogendra Pandit and the said complaint was sent to police for investigation and the said two accused persons, namely, Radhika Devi and Yogendra Pandit have been granted anticipatory bail by the trial court itself and from the documents which are alleged to be forged, the main benefit goes in favour of co-accused Radhika Devi who is on bail and the decree in Title Suit No.236 of 1996 was passed in favour of Radhika Devi and petitioner has been made accused in the present matter on account of being husband of the said Radhika Devi and the complainant did not bring the alleged forgery in the knowledge of the concerned court where the title suit was running, nor any action either by the said court or executing court has been taken in respect of the alleged forgery and moreover during investigation, the police did not take any pain to get the alleged forged documents verified by the expert's opinion and accordingly except the allegations levelled by the complainant in his complaint there is no any other material.



Further submission is that though against the petitioner, there are criminal antecedents of 13 cases but out of the said cases, final form has been submitted in five cases and in three other cases, he has been granted bail and rest cases were lodged by agnates of the petitioner with regard to land dispute. Further submission is that petitioner is a government teacher by profession and he has been languishing in jail since 09.12.2022.

Learned APP appearing for the State has opposed the bail prayer but fairly accepted that during investigation, the police did not get expert's opinion with regard to the alleged forged documents.

In view of the submissions, as made above, and mainly the facts that two co-accused persons, as named above, are on bail and petitioner is stated to be the husband of the co-accused Radhka Devi who is on bail and an Execution Case No.15/2017 filed in respect of the decree passed in the above-mentioned title suit in which the petitioner and accused persons were alleged to have committed forgery is pending, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand)



with two sureties of the like amount each to the satisfaction of
the Court concerned in connection with Gopalganj Town P.S.
Case No. 649 of 2018.

(Shailendra Singh, J)

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