

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19964 of 2023

Arising Out of PS. Case No.-320 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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NARESH KUMAR PRASAD @ NARESH SAH S/O Late Vilakshan Sah
R/O Village- Mukhiyapatti, P.S- Madhwapur, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. SURESH SAH S/O LATE SUKHDEV SAH Resident of Village-
Mukhiyapatti, P.S.- Madhwapur, District- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Manoj Kumar Jha
For the Opposite Party/s :	Mr. Mithlesh Kumar Khare
	Mr. Subhash Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-07-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 166, 167, 420, 467, 468, 471, 504, 506, 120B/34 of the Indian Penal Code.

The prosecution case, is that, a piece of land, acquired in Indo-Nepal parallel road, was purchased through sale deed in the name of the father of the informant. It has been alleged that the petitioner, in conspiracy with other accused persons, made land possession certificate of the said land and took the compensation amount.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He



has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is submitted by learned counsel for the petitioner that one Jagdev Sah, Sukhdev Sah (father of complainant) and Vilakshan Sah (father of the petitioner) are own brothers and on 20.05.1990, partition of the landed property took place, which was signed by all the brothers in the presence of witnesses, (Annexure-3). He submits that for making a parallel road near Indo-Nepal border, the land acquisition officer made publication of the land, which was acquired by the government in a daily newspaper. According to the publication, the name of the petitioner and one Ramchandra Mahto was shown as interested person in the column of the acquired land by the authorities. He further submits that petitioner being the son of Late Vilakshan Sah had received the compensation amount of Rs.3,15,358/-, as the land in question allotted in the share of his father in the family partition took place about 33 years ago. Petitioner has one criminal antecedent.

Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for anticipatory bail. It is



submitted by the learned counsel for the O.P. No.2 that the said land belongs to the informant/O.P No.2, but the petitioner acquired the compensation for the same by preparing forged and fabricated certificate.

Having regard to the facts and circumstances of the case as this is a matter of civil dispute, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No.320 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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