

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17904 of 2023

Arising Out of PS. Case No.-216 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

-
1. AWADESH KUMAR SINGH Son Of Late Ram Bahadur Singh R/O Village- Sonbarsa Raj, P.S.- Sonbarsa Raj, District- Saharsa
 2. DINESH KUMAR SINGH Son Of Late Ram Bahadur Singh R/O Village- Sonbarsa Raj, P.S.- Sonbarsa Raj, District- Saharsa
 3. GOPAL KUMAR SINGH Son Of Late Ram Bahadur Singh R/O Village- Sonbarsa Raj, P.S.- Sonbarsa Raj, District- Saharsa
 4. BHUPENDRA SINGH @ BHUPENDRA KUMAR SINGH Son Of Late Ram Bahadur Singh R/O Village- Sonbarsa Raj, P.S.- Sonbarsa Raj, District- Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar
2. TARNI RISHIDEO Son Of Deep Narayan Rishideo R/O Village- Farsaha, P.S.- Saur Bazar, District- Saharsa, Presently Block Congress President, Sonbarsa Raj, P.S.- Sonbarsa Raj, District- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For the Informant/s	:	Mr. Pramod Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-05-2023 Heard Mr. Bhaskar Shankar, learned counsel for the petitioners, Mr. Pramod Mishra, learned counsel for the informant and Mr. Shailendra Kumar, learned Additional Public Prosecutor appearing for the State.

Petitioners apprehend their arrest in connection with Complaint Case No. 216 of 2022 dated 07.03.2022 registered for the offences punishable under Sections 420, 323, 427, 406, 468, 471, 147, 148, 34 of the Indian Penal Code.



As per the allegation made in the complaint the petitioners who are full brothers had got *zamabandi* created in the name of their father on the basis of forged document.

Learned counsel for the petitioners submits that the petitioners are the *bona fide* owner of the land in question which belongs to the father of the petitioner and with the permission of their father, office of the Congress Party was constructed over the land in question. He next submits that petitioner No. 1 was the Block President of the Congress Party and the present complaint has been lodged by the present Block President of the Congress Party on the basis of concocted story. He next submits that the dispute between the parties is in the nature of civil dispute.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that the petitioners have committed forgery and created the record in their favour on the basis of forged judgment of the DCLR, passed in Case No. 4342 of 1977, in as much as there is no record in the office of DCLR pertaining to the aforesaid case. He next submits that the fact of the matter is that the land in question was purchased in the name of the then President of the Congress Party and the Party Office has been constructed upon



the land by the Congress Party.

Regards being had to the submission made by the parties and taking into consideration the fact that both the parties are claiming their ownership upon the land in question and the petitioners are claiming the right title and interest on the property based upon the judgment passed by the DCLR in 1977 which has not yet been declared forged by the competent court and the same is matter of investigation, I am inclined to grant anticipatory bail to the petitioners.

This application is accordingly allowed.

Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa, in connection with Complaint Case No. 216 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

maynaz/-

U		T	
---	--	---	--

