

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23449 of 2023

Arising Out of PS. Case No.-774 Year-2016 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

=====

SHIVAKANT TIWARI son of Late Sita Ram Tiwari RESIDENT OF
VILLAGE- SRIPALPUR P.S KOILWAR DISTRICT BHOJPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arun Kumar Tiwari son of Late Sita Ram Tiwari Village- Sripalpur Ps-
Koilwar Dist- Bhojpur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Satish Kumar, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with complaint case no. 774 of 2016, in which

cognizance has been taken under Section 420 of the Indian

Penal Code.

The case of the prosecution in brief, according to

the complaint petition, is that on 13.03.2014, the petitioner, in

conspiracy with other accused persons, had got the sale deed

executed in favour of the complainant by producing a fictitious

person in place of the original vendor namely Arun Kumar



Tiwari, for which the complainant is stated to have paid sale consideration to the tune of Rs. 2,70,000/-.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is merely a witness to the said sale deed in question, hence he is not not having any complicity in the matter. In any view of the matter, it is submitted that the allegations levelled in the present case are purely in the nature of civil dispute.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the allegations levelled in the complaint petition are *prima facie* in the nature of civil dispute and the petitioner is merely a witness to the sale deed in question and has not been alleged to have impersonated the vendor and executed the sale deed in question, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.



Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V-cum Sub Judge XIII, Rohtas at Sasaram in connection with complaint case no. 774 of 2016, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

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

