

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26222 of 2023

Arising Out of PS. Case No.-1995 Year-2020 Thana- SARAN COMPLAINT CASE District-
Saran

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Chhathilal Gupta @ Chhathilal Prasad Gupta Son of Late Kisuni Sah R/V-
Tejpurwa, PS- Marhowrah, Dist- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kishor Pandit son of Yograj Pandit R/V and Post- Tejpurwa, PS-
Marhowrah, Dist- Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Advocate
For the Informant	:	Mr. Adarsh Ranjan, Advocate
For the Opposite Party/s	:	Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-10-2023 Heard Mr. Sanjay Kumar Jha, learned counsel for

the petitioner, Mr. Adarsh Ranjan, learned counsel appearing on

behalf of the Informant and Mr. Ram Anurag Singh, learned

APP for the State.

2. The petitioner is apprehending his arrest

connection with Protest Petition vide Registration No. 1798 of

2021 given rise to enquiry no. 565 of 2022 in Complaint Case

No. 1995 of 2020, registered for the offences punishable under

Sections 323, 406, 420, 467, 468/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he has

committed fraud with the complainant and when the

complainant came to know about the forgery, the accused



persons along with the petitioner abused and assaulted.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and in fact the petitioner has filed a Title Suit No. 461 of 2020 for the same set of land which is the subject matter of the complaint petition and the learned Court of Sub-Judge-I, Saran at Chapra on the basis of material available on record has passed the order in favour of the petitioner. Learned counsel for the petitioner further submits that the land in question was declared by the competent court in favour of the petitioner so the allegation as alleged in the complaint petition is false and fabricated.

5. Learned counsel for the Informant as well as learned APP for the State, opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner has challenged the order dated 04.02.2021 which was passed in the Title Suit No. 461 of 2020 and the same is pending before the learned District & Sessions Judge, Saran at Chapra bearing Civil Miscellaneous No. 94 of 2023.

6. Considering the facts and circumstances of the



case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Protest Petition vide Registration No. 1798 of 2021 given rise to enquiry no. 565 of 2022 in Complaint Case No. 1995 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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