

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26064 of 2023

Arising Out of PS. Case No.-129 Year-2017 Thana- JALALPUR District- Saran

1. Ganesh Yadav @ Ganesh Rai Son of Late Vira Rai Resident of Village- G.S. Bangara, P.S.- Jalalpur, Distt- Saran
2. Mahesh Rai Son of Late Vira Rai Resident of Village- G.S. Bangara, P.S.- Jalalpur, Distt- Saran
3. Manjit Kumar @ Manchit Kumar @ Manmit Kumar Son of Prabhunath Yadav Resident of Village- G.S. Bangara, P.S.- Jalalpur, Distt- Saran
4. Raj Matiya Devi Wife of Janardhan Rai Resident of Village- G.S. Bangara, P.S.- Jalalpur, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in Trial No.2432 of 2022, in connection with Jalalpur P.S. Case No.129 of 2017, arising out of Complain Case No.336 of 2017, registered for offences under Sections 420, 467, 468 and 120B of the IPC.

The allegation is regarding the accused persons i.e. the petitioners herein, having changed



the position of the land in question in the records of the Revenue/Government Department, which is stated to be in possession of the complainant, as also he is stated to be holding its valid title.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the instant case, upon investigation by the police, has been found to be untrue, hence the police had submitted final form, however, the learned trial Court had differed from the same and taken cognizance against the petitioner for the offences alleged. It is also submitted that at best the allegations levelled in the present case can be said to be 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 police upon investigation has found the case to be untrue qua the petitioners herein and they are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIII, Saran, Trial No.2432 of 2022, in connection with Jalalpur P.S. Case No.129 of 2017, arising out of Complain Case No.336 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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