

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34083 of 2023

Arising Out of PS. Case No.-728 Year-2021 Thana- BIHAR District- Nalanda

1. PHULWA DEVI @ GULABI DEVI Wife of Naresh Yadav R/o village - Nakatpura, P.S. - Bihar, Distt. - Nalanda
2. Ram Kundan Kumar @ Kundan Kumar Son of Naresh Yadav R/o village - Nakatpura, P.S. - Bihar, Distt. - Nalanda
3. Pinki Kumari @ Pinkee Kumari @ Pinki Devi Wife of Bhim Sen Yadav R/o village - Lalban Bigha P.S. - Bihar, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr.Dr. Indiwari Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-07-2023 Heard the parties

The petitioners apprehend their arrest in connection with Bihar P.S. Case No. 728 of 2021 for the offence punishable under Sections 420, 467, 468, 471, 34 of the I.P.C. lodged on 30.10.2021 by the informant Dhano Devi.

As per the prosecution story, Naresh Yadav and Yogendra Yadav prepared forged certificate and illegally executed register deed in favour of Pinki Devi.

The allegation is that all the FIR named accused persons were involved. Further, the land belongs to the informant's husband which was purchased from one Raju Yadav



in which both Naresh Yadav and Yogendra Yadav were witnesses.

Learned counsel for the petitioners submit that the family members of the Naresh Yadav *inasmuch* as the wife, son and daughter are petitioners. The main allegation is against Naresh Yadav and Yogendra Yadav.

Learned APP opposes the prayer.

Taking into account the aforesaid submissions put forward by the learned counsel for the petitioners and further they do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of their arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif, in connection with Bihar P.S. Case No. 728 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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

