

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40266 of 2023

Arising Out of PS. Case No.-1105 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. Manoj Kumar Verma, aged about 53 years (Male), Son of Badri Narayan Verma @ Badri Nr. Verma, (In the impugned order against the name of petitioner no. 1, father's name has been wrongly typed as Late Badri Nr. Verma in place of Badri Nr. Verma), Resident of Village - Gopalpur, P.S.- Amdabad, Distt- Katihar.
 2. Binod Kumar Verma, aged about 59 years (Male), Son of Badri Narayan Verma @ Badri Nr. Verma, Resident of Village - Gopalpur, P.S.- Amdabad, Distt- Katihar.

... .. Petitioners

Versus

1. The State of Bihar.
2. Badri Narayan Verma, Son of Late Ram Kishan Prasad Verma, Resident of Village - Gopalpur, P.S.- Amdabad, Distt- Katihar. Presently residing at Mohalla Rahul Chakravarti Gali Hardy Road, Katihar, P.S. and Distt- Katihar.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Mukesh Kumar Jha, Advocate
For the State	:	Mrs. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 19-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with C.A. No. 1105 of 2021 dated 17.09.2021 registered for the offences punishable under Sections 406



and 420 of the I.P.C.

4. As per the prosecution case, the complainant purchased the land appertaining to Plot No. 471, measuring an area of 1.82 acre under Khata No. 1809 and Plot No. 408, measuring an area of 22 decimals under Khata No. 656 of Mouza-Amdabad, Katihar, as mentioned in Sale deed No. 20522 dated 31.10.1966 from Bibi Bhavudan and Bibi Amna and he has been in peaceful possession of the said land and is also paying rent to the State of Bihar. It is further alleged that Manoj Kumar Verma (petitioner no. 1), the co-accused persons Sagir, Sk. Najabul, Binod Kumar Verma (petitioner no. 2), the co-accused Ravi Kumar Verma and the co-accused Javed Khan sold the land to the co-accused Roshan Alam, Abu Rehan Khan and Santosh Kumar Verma vide registered Sale Deed No. 10865 dated 30.09.2020 by showing his father (complainant).

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case at the instance of some land brokers and other sons of the complainant. It is submitted that the petitioners are the sons of the complainant. It is



submitted that as per the allegation, petitioner no. 1 has sold the self acquired property of the complainant by committing forgery to Md. Raushan and two others is false. However, the petitioner no. 2 has no concern with the alleged sale deed. It is submitted that the Plot Nos. 408 and 471 are the self acquired property of the complainant and the complainant had partitioned all the land by Panchanama held on 19.08.2011 and in which the petitioner no. 1 got 50 decimals land in Plot No. 471 and 11 decimals land in Plot No. 408 and altogether he has got 98 ½ decimals land in his name and sold the same to the co-accused Raushan Alam, Abu Rehan and Santosh Kumar Verma. When the vendors went for mutation then they came to know that the mutation had been done in favour of the complainant by preparing a forged Panchanama held on 17.10.2019 for which the petitioner no. 1 challenged before the D.C.L.R., Manihari and allowed the same on 18.11.2021. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.



7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Katihar, in connection with C.A. No. 1105 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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