

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39606 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- SRINAGAR District- West Champaran

1. Ramchandra Prasad, S/o Late Jhakar Mahto
2. Mahendra Prasad, S/o Ramchandra Prasad
Both Resident of Village- Bhawanipur, P.S.- Srinagar Pujaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhitabh Kumar, Advocate
For the Informant : Mr. Ved Prakash Srivastva, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

11 18-04-2023 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

2. Petitioners seek regular bail in connection with
Srinagar Pujaha P.S. Case No. 37 of 2021 dated 06.05.2021
registered for the offences punishable under Sections 406, 420 of
the Indian Penal Code.

3. The main submissions advanced by the learned
counsel for the petitioners are that both the petitioners have fair
and clean antecedent, regarding the disputed sale deeds the
informant has filed Title Suit Nos. 156 of 2021 and 157 of 2021



and in between both the parties there is a bonafide land dispute and the alleged offences are triable by the Court of Magistrate and petitioner no.1 is suffering from various ailments and in this regard supplementary affidavit has been filed which shows that he has been treated at various medical hospitals during his jail custody and both the petitioners have been languishing in jail since 05.05.2022.

4. Learned counsel appearing for the informant has vehemently opposed the bail prayer and submitted that it is a serious matter of forgery committed by both the petitioners by impersonating the informant and previously the informant sold some land measuring 3 kathas 4 dhurs to the present petitioners and put them in possession over the said land but later on both the petitioners by impersonating the informant with the help of other woman got the sale deeds in question registered in their names with regard to the rest land of the informant and after the matter having come in the knowledge of the informant she inquired from the Registrar Office and got the knowledge of the alleged incident and during investigation the Investigating Officer also verified the alleged sale deeds from the Registrar Office and found substance in the allegations levelled by the informant in the FIR and there is sufficient documentary



evidence to prove the allegations levelled by the informant in the FIR clearly attracting the offences of the forgery.

5. Heard both the sides and perused the FIR and the case diary of this case. The paragraph no. 64 of the case diary goes to show that the informant's land was transferred by both the petitioners in their own names through different sale deeds by impersonating the informant and in this regard sufficient investigation has been made by the investigating officer and in this regard details is mentioned in the said paragraph. In view of the nature of the allegation, this court is not inclined to accept the bail prayer of the **petitioner.2 (Mahendra Prasad) for the present. Accordingly, his prayer stands rejected.**

6. However, petitioner no. 2 (Mahendra Prasad) may renew his bail prayer after the framing of charge.

7. So far as the prayer of **petitioner no.1 (Ramchandra Prasad)** is concerned though against him there is serious allegation like the petitioner no.2 but considering his ailments described in the supplementary affidavit, in the opinion of this court, the petitioner no. 1 deserves to a lenient approach of this court. Accordingly, **let the petitioner no.1 (Ramchandra Prasad) be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like**



amount each to the satisfaction of the Court concerned in
connection with Srinagar Pujha P.S. Case No. 37 of 2021.

(Shailendra Singh, J)

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