

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48402 of 2023

Arising Out of PS. Case No.-353 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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Kundan Kumar Son Of Mahadev Thakur Resident Of Village- Chandrahiya,
Ward No. 42, Ps- Motihari Muffasil, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 420, 467, 468, 34 of the Indian Penal Code.

3. As per prosecution case, it is a case of execution of sale deed fraudulently by way of cheating. Allegation against the petitioner is that he has prepared a fake & fraudulent sale deed with conspiracy of other co-accused persons and cheated the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is also submitted that the petitioner is not purchaser rather the only allegation against him



to identify the thumb impression and signature of the executant of the deed. As a matter of fact, the informant has not annexed the fraudulent executed sale deed in which the petitioner is said to be identifier. There is no wrongful gain to this petitioner rather mere on the basis of identification of thumb impression as well as signature, no title will be passed in favour of the petitioner. Further, it is a case of civil in nature for which the criminal proceedings has been initiated against the petitioner. Moreover, he is languishing in judicial custody since 26.4.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Motihari Muffasil P.S. Case No. 353 of 2019 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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