

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41824 of 2022

Arising Out of PS. Case No.-701 Year-2021 Thana- ARARIA District- Araria

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Pradeep Sah Son Of Late Bahadur Sah R/O Village - Tedhi Mushari, P.S.-
Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh
For the Informant	:	Ms. Roona
For the State	:	Mr. Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-02-2023 Heard learned counsel for the petitioner,

informant and learned A.P.P appearing on behalf of the

State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 406, 419, 420, 467, 468, 471/34 of the Indian

Penal Code.

The prosecution case as per F.I.R is that father

of the informant namely Deep Narayan Sah died on

12.06.2018 but besides knowing this fact, the petitioner



being uncle of the informant, in false persuasion as well as with dishonest intention cheated and executed registered sale deed No. 9070 dated 09.08.2019 and sale deed No. 9793 dated 20.08.2019 in respect to the land of the informant's father in favour of his wife Sunita Devi in collusion and connivance with other co-accused persons and when the informant made protest, he was assaulted and abused by the accused persons.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner and father of the informant are full brothers and there is land dispute between the parties. It is a matter of civil in nature, for which criminal prosecution has been levelled against the petitioner. The petitioner is in custody since 25.04.2022.

The petitioner has filed second supplementary affidavit to the effect that after being released from the judicial custody, the petitioner will move before the competent forum for cancellation of the sale deed No.



9070 dated 09.08.2019 and sale deed No. 9793 dated 20.08.2019.

Learned counsel appearing on behalf of the informant has not opposed the prayer for bail of the petitioner, provided the petitioner files appropriate petition for cancellation of the sale deeds in question.

Considering the fact that petitioner agrees to move before the competent court for cancellation of the sale deeds in question and informant has no objection, let the petitioner, above named, be released on provisional bail for three months on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 701 of 2021.

The provisional bail of the petitioner will be confirmed by the learned Court below on filing relevant documents by the petitioner relating to cancellation of the sale deed No. 9070 dated 09.08.2019 and sale deed



No. 9793 dated 20.08.2019.

(Sunil Kumar Panwar, J)

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