

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42886 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- NAANPUR District- Sitamarhi

MD. KASHIM @ MD. KASIM Son of Late Abdul Gani Resident of vill-
ward no. 9, Bokhara, P.S- Nanpur, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Patel, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Nanpur P.S. Case No. 243 of 2021
for the offence registered under Sections 420, 467,
468, 471 and 120(B) of the Indian Penal Code.

The case of the prosecution, in brief,
according to the informant, is that the petitioner is
alleged to have sold the land registered in the
name of the deceased father of the informant, by a
registered sale deed by creating forged
documents.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, he has



been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 08.04.2022. It is further submitted that the dispute in question, at best, can be stated to be a civil dispute, for which the remedy lies before the competent Court of civil jurisdiction, hence, it is submitted that the petitioner be granted the privilege of bail.

Per contra, the learned counsel for the informant and the learned A.P.P. for the State have vehemently opposed the prayer of the petitioner for grant of bail and have submitted that the petitioner has created forged documents, hence, has committed the offence of cheating.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court *prima facie* finds that the allegations levelled in the present case is in the nature of civil dispute, apart from the fact that the petitioner is having a clean



antecedent and he is languishing in custody since 08.04.2022, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 learned S.D.J.M., Pupri, Sitamarhi in connection with Nanpur P.S. Case No. 243 of 2021.

(Mohit Kumar Shah, J)

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