

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48123 of 2023

Arising Out of PS. Case No.-717 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Sunil Kumar @ Sunil Kumar Thakur Son Of Kapil Dev Thakur
 2. Bipin Sharma Son Of Late Indra Dev Sharma @ Late Indra Dev Thakur
Both are Resident Of Village- Gorgama, Police Station- Patory, District-
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari Wife of Nishant Kumar Gaurab Resident of Village-
Gorgama, P.S- Patory, Dist-Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioners, learned
counsel for the complainant and the learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since
24.05.2023 in connection with Complaint Case No.717 of
2022, Complaint dated 23.05.2022 registered for the offence
punishable under Section 323,341,354,504,420,467,468 of the
Indian Penal Code but after enquiry cognizance has been taken
under Sections 323,420,504,34 of IPC.

3. Allegation against the petitioners is that these
petitioners after creating forged documents sold the purchased
land of complainant Punam Kumari to the hand of Vina Kumari



and on protest made by the complainant accused persons abused and assaulted to complainant. It appears that these petitioners are engaged in illegal business of creating forged documents and sold the purchased land of complainant to the hand of another person and in support thereof 14 forged sale deed executed by the petitioner Sunil Thakur has been produced by the complainant.

4. Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case and the complainant is sister-in-law of the petitioners and the allegation as alleged in the complaint petition is false and fabricated and the petitioners have sold out the land in question of their shares and the Title Suit No.86 of 2020 is already pending with respect to all lands of the petitioners and the complainant and the present dispute is civil nature and the petitioners are in custody since 24.05.2023.

5. Learned counsel for the complainant and learned APP for the State, on the other hand, have opposed the prayer for bail of the petitioners and submits that petitioner No.1 carries four more cases and petitioner No.2 carries two more case other than the present one.

6. In reply, learned counsel for the petitioners submits



that all the cases, as mentioned in para-3 of the bail petition, filed by the husband of the complainant.

7. Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Samastipur in connection with Complaint Case No.717 of 2022, with the following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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