

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49710 of 2023

Arising Out of PS. Case No.-2146 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

RAJ KUMAR SAH @ RAJU SAH S/o Baleshwar Sah R/o village-
Chakmurtuzapur, P.S.-Dalsingsarai, District-Samastipur, Bihar
... .. Petitioner/s

Versus

1. The State of Bihar
2. BHARTI DEVI W/o Prakash Sah R/o Village Kasbe Aahar, P.S. Tajpur,
District Samastipur, Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankit Katriar, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-08-2023 Heard Mr. Ankit Katriar, learned counsel for the

petitioners, Mr. Sanjay Kumar Singh, learned Additional Public

Prosecutor for the State and learned counsel for the informant.

2. Petitioner apprehend his arrest in connection with

Complaint Case No. 2146/2019 registered for the offence

punishable under Sections 323/504/420 of the IPC.

3. As per allegation made in the complaint, the

petitioner on the basis of forged and fabricated documents

executed the sale deed with incorrect names in favour of various

purchasers and on the basis of such transfer the petitioner along

with others are ousting the complainant from the land in

question which is the ancestral property of the complainant's

husband.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land dispute which is going on between the husband of the complainant and the petitioner. He next submits that the petitioner is a co-sharer of the complainant's husband and land in question is the ancestral property of the petitioner for which a Title Suit No. 104/2017 has been filed by the husband of the complainant in which the petitioner is defendant 3rd party. It is further submitted that a civil dispute has been given the cloak of criminal case at the behest of husband of the complainant with whom the petitioner is fighting a title suit.

5. On the other hand, learned counsel appearing for the complainant vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner on the basis of forged affidavit has obtained a genealogical certificate from the *Sarpanch* which has subsequently, been cancelled by the *Sarpanch* of the village. He further submits that the petitioner has manufactured the document and has sold the property belonging to the husband of the complainant. The petitioner is not the resident of the village and he is not the family member of the complainant's husband.

6. Regards being had to the submissions made by the



parties, taking into consideration the nature of the allegation and the fact that a Title Suit is already pending between the petitioner and the husband of the complainant, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, let the petitioner, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with Complaint Case No. 2146/2019, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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