

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50247 of 2022

Arising Out of PS. Case No.-19 Year-2021 Thana- KHAGARIA District- Khagaria

1. DR. RAJ KUMAR TULSYAN @ RAJ KUMAR TULSYAN Son of Late Mohan Prasad Tulsyan Resident of S.D.O Road Khagaria, Police Station - Khagaria, District - Khagaria
2. Shiv Kumar Tulsyan @ Shiv Kumar Son of Late Vishambhar Prasad Tulsyan Resident of S.D.O Road Khagaria, Police Station - Khagaria, District - Khagaria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Viveka Nandsingh,, Adv.
For the State	:	Mr.Shantanu Kumar, APP
For the Informant	:	Mr. Siddhartha Prasad, Adv.
		Mr. Om Prakash Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 18-01-2023 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Khagaria P.S. Case No. 19 of 2021, registered for the offences punishable under Sections 420, 467, 468, 471, 406, 504, 323, 120(B)of the Indian Penal Code.

As per allegation, during pendency of the mutation case, the petitioners created forged order-sheet and on that basis they got mutation order from the Circle Officer.



Learned counsel for the petitioners has submitted that both the parties are agnates. There is land dispute between them and for the same offence with allegation that the mutation order was obtained on the basis of forged order-sheet, Khagaria P.S. Case No. 134 of 2020, was lodged by the informant which was investigated upon and final form was submitted. Again, the present case has been filed. In this case also the final form was submitted, but differing with the opinion of the investigating officers, the learned Magistrate has taken cognizance and the investigating authorities recommended a proceedings under Section 182 and 211 of the IPC against the informant. He has submitted further that in Khagaria P.S. Case No. 134 of 2020, the petitioners have been granted anticipatory bail by the coordinate Bench in Cr. Misc. No. 46796 of 2022. He has also submitted that the said mutation order whereby the jamabandi No. 613 was created, in favour of the petitioner, has been challenged by the informant which is sub judice before ADM.

On the other hand, learned counsel for the informant has submitted that the genesis of the present case is on different basis. He has further submitted that to get the result of investigation in their favour the accused persons including the petitioners got fabricated and forged letter of Rajasva Anchala Adhikari.

The order whereby jamabandi has been created, has been challenged before the appellate authority which is pending. In both the cases, the investigating authorities submitted final forms and in Case



No. 134 of 2020, the petitioners have been granted anticipatory bail.

Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, 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 Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 19 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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