

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54764 of 2023

Arising Out of PS. Case No.-514 Year-2022 Thana- SHERGHATI District- Gaya

1. Shiv Shankar Prasad @ Shiv Shankar Prasad Singh, aged about 78 years, Gender – Male, Son of Late Bhagwati Prasad Singh, Resident of 17, Ganga Mahal, Punjabi Colony, Police Station – Kotwali, District - Gaya
2. Chandrabhan Singh @ Chandrabhan Prasad Singh, aged about 75 years, Gender – Male, Son of Late Bhagwati Prasad Singh, Resident of Rushi Chhawani near Punjabi Colony, New Godown, Police Station - Kotwali District - Gaya
3. Kaushal Kishore Sharma, aged about 62 years, Gender – Male, Son of Shiv Shankar Sharma, Resident of 68/78, Rushi Chhawani near Punjabi Colony, New Godown, Police Station – Kotwali, District - Gaya
4. Janak Kishore Sharma, aged about 54 years, Gender – Male, Son of Shiv Shankar Prasad Singh, Resident of Rushi Chhawani near Punjabi Colony, New Godown, Police Station – Kotwali, District - Gaya
5. Amit Kumar, aged about 53 years, Gender – Male, Son of Shiv Shankar Prasad Singh, Resident of Rushi Chhawani Near Punjabi Colony, New Godown, Police Station – Kotwali, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Informant	:	Mr. Anjani Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2023 Heard Mr. Rama Kant Sharma, learned senior
counsel assisted by Mr. Rakesh Kumar Sharma, learned counsel



appearing on behalf of the petitioner and Mr. Amitesh Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Sherghati (Dobhi O.P.) P.S. Case No. 514 of 2022 dated 21.06.2022 registered for the offence punishable under Sections 420, 467 and 468/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners in connivance with the members of the *Lok Adalat*, on the basis of forged *Panchnama*, with an intention to grab the land of the informant by obtaining forged signature of the mother of the informant had got the decree at the *Lok Adalat, Gaya*.

4. Learned senior counsel appearing on behalf of the petitioners submitted that there is no question of having forged the signature of the mother of the informant. Petitioners are in peaceful possession of land in question and both the parties are agnate. A compromise was entered into by the parties and with respect to the partition of the property, petitioners have already filed Title Suit No. 239 of 2021, in which the informant has also appeared. Learned senior counsel further submitted that the question of *Panchnama* being forged and signed by the mother of the informant, *Mukhiya* and *Sarpanch* can very well be tested in course of trial on the basis of F.S.L. report to verify the



signature of mother of the informant. He further submitted that the whole question arises with respect to the partition of the property between both the sides. Except petitioner no. 2, all the petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Dr. Anjani Prasad Singh, learned counsel has tendered his appearance on behalf of the informant and has opposed the prayer for grant of pre-arrest bail to the petitioner. Learned APP for the State has also vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, the allegation primarily relates to the distribution of land among the parties. The petitioners have already filed Title Suit No. 239 of 2021 with respect to the said piece of land, which is pending before the Court of learned Civil Judge, Senior Division, Sherghati, Gaya (Annexure-2) and except petitioner no. 2, all the petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks



from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Sherghati, District - Gaya in connection with Sherghati (Dobhi O.P.) P.S. Case No. 514 of 2022 dated 21.06.2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/Nilmani

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