

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54013 of 2022

Arising Out of PS. Case No.-3882 Year-2018 Thana- SARAN COMPLAINT CASE District-
Saran

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1. JANAK CHOUBEY @ JANAK CHOUBE S/O LATE YADUNANDAN CHOUBEY Resident of village- Bangali Patti, P.S.- Sahajitpur, District- Saran.
 2. DEONATH CHOUBEY @ DEVNATH CHOUBE S/O LATE INDRADEO CHOUBEY Resident of village- Bangali Patti, P.S.- Sahajitpur, District- Saran.
 3. BIRENDRA MISHRA @ VIRENDRA KUMAR MISHRA S/O SHYAMDEO MISHRA Resident of village- Bangali Patti, P.S.- Sahajitpur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. NAGENDRA TIWARI S/O LATE SHIVNATH TIWARI Resident of village- Bangali Patti, P.S.- Sahajitpur, District- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar,Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 3882 of 2018 for the offence registered under Sections 420, 467, 468, 323, 504 and 120(B) of the Indian Penal Code and under Sections 200 and 202 Cr.P.C.

As per the complaint, it is stated that the grand-father of the complainant had purchased a piece of land in 1945 and they are in the possession of the same but forging some



documents, the petitioner's side filed Title Suit No. 102 of 2015.

Learned counsel for the petitioners submit that whether the document is forged or original that is for the Court to decide where the documents have been presented and unless the same is found to be forged and fabricated, the petitioner cannot make allegation and/or put them behind bar. The last submission is that they do not have criminal antecedent.

Learned APP for the State, on the other hand, submits that it is a case of forged documents. However, he concede that it should have been brought to the notice of the concerned Court which will ultimately decide whether the document is forged or original.

Taking into account the aforesaid allegation as also the fact that the petitioner do not have criminal antecedent and the fate of the document will be decided once the same is taken note of by the concerned Court where the Title Suit is pending, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at



Chapra in connection with Complaint Case No. 3882 of 2018
subject to condition as laid down under Section 438(2) of the
Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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