

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55728 of 2022

Arising Out of PS. Case No.-92 Year-2021 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. JITENDRA RAM
 2. PRABHU RAM @ PRABHU KUMAR
Both are S/o Late Ram Bilas Ram @ Belash Ram @ Bilas Ram Resident of
Village- Englishpur, P.S.- Sanjhauli, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gangajali Kuer W/o Late Ram Bilas Ram Resident of Village- Englishpur,
P.S.- Sanjhauli, District- Rohtas. At present Village- Pahari, P.S.- Karahagar,
District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioners and learned

APP for the State as also learned counsel for the informant

through virtual mode in view of COVID-19.

The petitioners apprehend their arrest in connection

with Rohtas Complaint Case No.92 of 2021 instituted under

Sections 323, 420, 406, 468 of the Indian Penal Code.

As per the complaint lodged by the complainant,

Gangajali Kuer, she was earlier married to Ram Bilash Ram and

after being blessed with four female daughters, her husband

solemnized marriage with another lady from whom the present

accused petitioners were born.



As per the allegation, the piece of land the complainant was owning she partitioned the same between her four daughters and even the same were mutated in the concerned Circle Office. However, later the petitioners herein showing the complainant as dead and on the basis of certificate issued by the local 'Sarpanch' prepared forged documents and got their names mutated in the Circle Office on her land. Upon knowledge, the present complaint was lodged.

Learned counsel for the petitioners submit that it is matter of pure civil nature and the learned court has wrongly taken cognizance forcing them to move this Court.

Learned counsel for the informant on the other hand opposes the prayer for anticipatory bail and submits that certainly the allegations in the complaint does not fall within the category of civil nature inasmuch as not only they forged documents, the same were presented before a Government Revenue Office on the basis of which, they got the land of the complainant mutated showing her to be a dead person and in that backdrop they does not deserve relief.

The allegation against the two petitioners is/are of showing their step mother dead and after procuring a certificate to this effect from the local 'Surpanch' used the said document



to get their names mutated in the Circle Office on the land which belonged to the complainant and which she had partitioned and given to her four daughters and thus the learned court rightly took cognizance in the matter.

In the aforesaid background, so far as the petitioner no.1, Jitendra Ram is concerned, he seems to be the creator of the entire forged documents and as such this Court is not inclined to grant him the privilege of anticipatory bail which is accordingly rejected.

So far as the petitioner no.2, Prabhu Ram @ Prabhu Kumar is concerned, from the petition it reflects that he is only 18 years of age and according to the learned counsel for the petitioners he is a student, although his role in the entire episode cannot be overruled, ultimately he will have to face the music, the complaint having been lodged against him, however putting him jail along with other accused-criminals may ruin his future and considering that factor alone, this Court is inclined to extend him the privilege of anticipatory bail.

Let the petitioner no.2, Prabhu Ram @ Prabhu Kumar be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Rohtas Complaint Case No.92 of 2021 to the satisfaction of learned C.J.M., Sasaram, Rohtas, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /
Ajay Singh

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