

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58545 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- HALSI District- Lakhisarai

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1. BALMUKUND SAH @ BAL MUKUND PRASAD GUPTA SON OF LATE RAMDEO SAH @ LATE RAMDEV PRASAD GUPTA R/O VILLAGE- NAYA BAZAR DALPATTI NEAR TO BANK OF BARODA, P.S.- KABAIYA, DISTT.- LAKHISARAI
 2. BAL GOVIND SAH @ VIKKY KUMAR GUPTA SON OF LATE RAMDEO SAH @ LATE RAMDEV PRASAD GUPTA R/O VILLAGE- NAYA BAZAR DALPATTI NEAR TO BANK OF BARODA, P.S.- KABAIYA, DISTT.- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Devendra Kr. Sinha, Sr. Advocate
	:	Mr.Rajesh Kumar, Advocate
For the Opposite Party/s	:	Ms.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-01-2023 Heard the learned senior counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Halsi P.S. Case No. 24 of 2022 for the offence registered under Sections 467, 468, 471, 420 and 120(B) of the Indian Penal Code.

The petitioners alongwith two other accused persons are alleged to have created forged mutation documents in favor of their late deceased father with the object of grabbing the



land of the informant and are also alleged to have presented forged sale deed for registration before the registry office.

The learned counsel for the petitioners have submitted that the petitioners are innocent, they have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 31.07.2022. The learned senior counsel for the petitioners has further submitted that the sale deed alleged to have been submitted by the accused persons was never registered, hence, the said allegation levelled by the informant is false. It is also submitted, by referring to paragraph no. 9 of the present petition, that a title suit has already been filed before the learned Court of Munsif, Lakhisarai bearing Title Suit No. 132 of 2022, after the mutation in favor of the deceased father of the petitioners was cancelled, hence, the dispute, if any, is purely of civil nature.

Per contra, the learned A.P.P. for the State as also the learned counsel for the informant have



vehemently opposed the prayer for bail and it is submitted that the petitioners have not disclosed their criminal antecedent in paragraph no. 3.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned senior counsel for the petitioners and taking into account the materials available on record as also having perused the impugned order dated 05.09.2022, this Court finds that mutation carried out in favour of the deceased father of the petitioners has already stood cancelled and a title suit has also been filed by the petitioners herein, apart from the fact that no sale deed has been registered, as is apparent from the report of the registry office, taken note of by the learned Court below, in the impugned order dated 05.09.2022, hence, this Court finds that the allegations levelled by the informant can at best be said to be in the nature of civil dispute, apart from the fact that the petitioners are languishing in custody since, 31.07.2022 and are having a clean antecedent,



hence, I deem it fit and proper to admit the petitioners to the privilege of bail, however, subject to verification of their Criminal antecedent by the learned Court below.

Accordingly, the petitioners, above named, are directed to 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 Judicial Magistrate-1st, Lakhisarai in connection with Halsi P.S. Case No. 24 of 2022.

(Mohit Kumar Shah, J)

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