

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73109 of 2022

Arising Out of PS. Case No.-359 Year-2021 Thana- SIWAN CITY District- Siwan

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KRISHN RANJAN Son of Unknown C/o Manoj Kumar, Resident of Mohalla
- Patwa Toli, P.S. and Village - Siwan, District - Siwan, Aadhar No.-
914423827095.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 467, 468,
420, 506 and 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that he received gift of four *dhurs* three *dhurki* of land
alongwith two floor house from his maternal uncle Manoranjan
Prasad, through a registered gift deed, thereafter the land was
mutated in his favour, it is next alleged that Manoranjan Prasad
had got the land from his aunt through a registered gift deed, it
is next alleged that one Md. Salim came and claimed the land as



his, but did not produce any document in his support, further on inquiry it transpired that Md. Salim had purchased the land from petitioner, a domestic help of his maternal uncle i.e., Manoranjan Prasad, it is next alleged that petitioner was ousted from the house by Manoranjan Prasad in the year 2009 and the same was duly published in the newspaper by way of public notice, it is next alleged that petitioner in Title Suit No. 344 of 2016 pending in the Court of learned Sub Judge-V, Siwan, admitted that he is servant of Manoranjan Prasad but still fraudulently prepared sale deed with respect to the land in question in favour of Md. Saleem.

4. The learned counsel for the petitioner at the outset submits that petitioner is not aware of his parentage rather right from the childhood he has been brought up by Manoranjan Prasad as his child, it is next submitted that this is the reason why in the anticipatory bail application the petitioner has not been able to record the name of his father as he never asked Manoranjan Prasad from where he got him.

5. The learned counsel further submits that petitioner has been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that the informant does not allege that the



property in question has been sold in favour of Md. Salim rather alleges that sale deed has been prepared in the name of Md. Salim, as such, the land has not been sold till date. It is also submitted that from perusal of the allegation as alleged in the FIR it creates an impression that Manoranjan Prasad is no more but then the fact is Manoranjan Prasad and his wife are still alive and the petitioner is taking care of them and whatever happened, happened on their instruction, it is further submitted that if what has been alleged in the FIR is true then the informant ought to have made Manoranjan Prasad a witness when he is alive but by not doing so, the same casts an aspersion on the case of the prosecution.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Siwan Town P.S.



Case No. 359 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. One of the bailors of the petitioner shall be Manoranjan Prasad aged about 80 years.

9. The learned counsel for the petitioner submits that the Office had pointed out four defects out of which three defects have been removed and defect no. 2 is regarding furnishing father's name.

10. In view of the submissions made by the learned counsel for the petitioner the defect no. 2 is ignored.

11. The learned counsel further submits that since it has been submitted at the outset that petitioner right from the childhood has been brought up by Manoranjan Prasad and his wife, as such, he is not aware of his father nor he had asked Manoranjan Prasad about the same, as such, he is not in a position to furnish the name of his father.

(Satyavrat Verma, J)

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