

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5716 of 2023

Arising Out of PS. Case No.-514 Year-2022 Thana- BANKA District- Banka

SANJAY SINGH @ SANJAY KUMAR SINGH @ SANJOY SINGH @
SAJAY SINGH Son of Late Bhudeo Prasad Singh @ Late Bhudeo Singh
Resident of Village - Domatanr @ Domakhanr, P.S. - Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP
For the Informant	:	Mr. Dharendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 18-08-2023 Heard the parties.

The petitioner is in custody in connection with Banka P.S. Case No. 514 of 2022 for the offence under sections 420, 467, 468, 471, 120-B and 34 of the Indian Penal Code lodged on 10.08.2022 by the informant, Babita Devi.

As per the prosecution story, the informant is widow of Mukesh Singh who is younger brother of the petitioner. The allegation is that after the death of her husband, not only the petitioner assaulted the widow/her children, also ousted them from the paternal house and on the basis of forged affidavit, showing himself to be the only heir, a genealogical table was prepared from Gram Katchery. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that there



has been some confusion which led to the present case, the fact remains that she is widow of his younger brother, has every right to the paternal property and the family will sit together and get the documents prepared so that she get the rights of her husband. However, he is in jail, the same is not possible.

Learned counsel appearing on behalf of the informant submits that showing him as the only heir, forged documents were prepared with the sole purpose of grabbing the property of her late husband. He, however submits that if the petitioner mend ways and is ready to partition the ancestral land of the family, giving her/her children the rightful dues, she has no opposition to the grant of bail.

Taking into account the undertaking given by the learned counsel for the petitioner that once he is out of jail, he will take appropriate steps so that her younger brother's family get their rightful dues, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No. 514 of 2022 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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