

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68467 of 2023

Arising Out of PS. Case No.-844 Year-2022 Thana- PHULWARISHARIF District- Patna

Pawan Kumar Son Of Benkateshwar Sharma, Resident Of Village -
Mahangupur, Police Station - Phulwarisharif (Janipur), District - Patna

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Phulwari Sharif, (Janipur) P.S. Case No. 844 of 2022 registered for the offences punishable under Sections 406, 420, 467, 468 and 34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, the petitioner is said to have executed a fake deed of gift in the name of one Shambhu Sharma after taking benefit of mentally ill condition of the father-in-law of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that petitioner is the *devar* of the informant



and has nothing to do with the alleged execution of the gift deed by the father-in-law of the informant in favour of his brother. It is submitted that the informant has also filed one Title Suit No. 198 of 2022 against her father-in-law and the present petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the petitioner is the *devar* of the informant who has not played any role in the alleged execution of the gift deed by the father-in-law of the informant in favour of his brother, in the nature of dispute and the fact that the informant has also filed one Title Suit No. 198 of 2022 against the father-in-law and the present petitioner challenging the deed of gift, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Phulwari Sharif, (Janipur) P.S. Case No. 844 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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