

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64740 of 2022

Arising Out of PS. Case No.-256 Year-2022 Thana- MAJORGANJ District- Sitamarhi

Anjani Kumar Singh Son Of Late Pramod Narayan Singh R/O Vill.- Dumri
Kala, P.S.- Majorganj, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A.K. Thakur, Adv. Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Heard Mr. Ajay Kumar Thakur, learned counsel appearing on behalf of the petitioner duly assisted by Ms. Vaishnavi Singh, learned counsel and Mr. Shailendra Kumar, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Majorganj P.S. Case No. 256 of 2022 registered for the offences punishable under Sections 406, 420, 467, 468, 471 and 120(B)/34 of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant alleging therein that the petitioner along with other family members



executed a sale deed in favour of Amlesh Das, Sachindra Das and Ruksana Khatoon by preparing a forged document. It is also alleged that the accused persons have also made tampering in the official documents.

Learned counsel appearing on behalf of the petitioner submits that from the tenor of the FIR, it is evident that *prima facie* the case appears to be predominantly civil in nature. So far as the petitioner and informant are concerned, they are descendant of same ancestor and, in fact, the petitioner is nephew of the informant. There was a partition suit which was disposed off way back in the year 1976 itself. However, both the parties have preferred appeal and cross-appeal against the said judgment. He next submits that the petitioner has sold the land of his own share and, as such, no offence is made out as alleged in the FIR. He lastly submits that the petitioner is in custody since 26.08.2022 and the investigation of the crime is complete resulting in submission of the charge-sheet.



On the other hand, learned counsel for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record, which suggest the case to be predominately civil in nature as there is lis pending between the parties who are descendant of same ancestor, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Sitamarhi in connection with Majorganj P.S. Case No. 256 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the



evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

