

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69823 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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1. Ashok Yadav, Son Of Girija Yadav, Village- Paigambarpur, Ps Dist-Sheikhpura
 2. Sunil Kumar Niraj, son of Arjun Pandey, Village- Kushumbha, Ps Dist-Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Mr. Ram Murti, Advocate

For the State : Mr. Mrityunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-11-2023 Heard Mr. Pankaj Kumar, learned counsel appearing on behalf of the petitioners and Mr. Mrityunjay Kumar Nirala, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 146 C/2022, wherein cognizance has been taken for the offence punishable under Sections 420/34 of the Indian Penal Code.

3. The petitioners are said to be witness and the deed writer respectively, who are allegedly instrumental in executing the sale deed in favour of Rani Devi and Dharmendra Kumar in relation to a land by making forgery.

4. It is submitted on behalf of the petitioners that from



the narrations made in the F.I.R., there is no allegation against the petitioners that they had played any role in making forgery in execution of the sale deed and thus, no case much less under Section 420/34 of the Indian Penal Code is made out. Moreover the petitioners are neither the owner of the land nor the purchasers and, as such, no benefit can be derived from executing the sale deed. Further submission has been made that co-accused Rani Devi and Dharmendra Kumar in whose favour the sale deed was executed, they have been allowed the privilege of anticipatory bail in Cr. Misc. No. 69130 of 2023 vide order dated 01.11.2023, the copy of which has been produced and the same is taken on record. He lastly submits that the petitioners are men of fair antecedent and they undertake that they will duly participate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are the witness and deed writers of the sale deed in question, apart from the fact that the person in whose favour the sale deed has been executed they have been allowed the privilege of



anticipatory bail coupled with the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each, with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st class, Sheikhpura in connection with Complaint Case No. 146C of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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