

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69835 of 2023

Arising Out of PS. Case No.-8805 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Radha Varan Prabhakaran @ Radha Banam Prabhakaran @ Radha Banam Prabhakaram Son Of Late Ram Baran Singh Resident Of Village - Achhechak, Post - Chipura Khurd, P.S. - Parsa Bazar, District - Patna, at Present R/O. Village - Paliganj, P.S. - Paliganj, District - Patna (Bihar)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ram Lagan Rai @ Satya Narayan Prasad Son Of Late Ram Baran Singh Resident Of Village - Achhechak, Post - Chipura Khurd, P.S. - Parsa Bazar, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha, Adv.
For the Opposite Party/s : Ms. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-11-2023 Heard Mr. Digvijay Kumar Ojha, learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 8805(C) of 2022 wherein cognizance has been taken for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.

3. Allegedly, the petitioner who happens to be younger brother of the complainant fraudulently sold the land of the complainant on the basis of forged document, though in the partition, the said land was allotted in favour of the complainant.

4. Learned counsel for the petitioner submits that from



the averments made in the complaint, it is evident that the petitioner is none else but the younger brother of the complainant and there had been partition in the family way back in the year 1998 itself and thereafter all the family members including the petitioner are coming in their respective possession of the shares allotted in the partition. He further submits that in the year 2012, on account of some issues regarding partition, a title suit bearing Title Suit No. 155 of 2012 has been filed by the petitioner, which is pending consideration before the Civil Court. He next submits that the petitioner is a government employee and residing at Paliganj whereas the complainant resides in the village and he anyhow wanted to grab the land. The motive of the complainant is writ large from the fact that earlier also the complainant had filed similar kind of complaint being Complaint Case No. 7572(C) of 2022 and other cases also against the petitioner and others, showing the vexatious attitude of the complainant.

5. On the other hand, learned counsel for the State while opposing the prayer of the petitioner submits that from the materials available on record, it is apparent that the petitioner by making a forged document has sold the land of the complainant which was duly allotted in his favour.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the issue regarding partition is sub judice in Title Suit No. 155 of 2012 and *prima facie* the allegation appears to be predominantly civil in nature, coupled with the fact that earlier similar complaints have been filed against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Civil Court, Patna in connection with Complaint Case No. 8805(C) of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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