

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3306 of 2023

Arising Out of PS. Case No.-125 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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SURESH RAI @ SURESH KUMAR Son of Late Sonelal Rai Resident of
village - Tarma, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Rai Ramesh Prasad
For the Opposite Party/s :	Mr.Arun Kumar Pandey
	Mr. Gauri Shanker Gupta

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-10-2023 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 467, 468 and 471/120(B) of the Indian Penal Code.

3. It is alleged by the informant that she has filed Town P.S. Case No. 182/20 against the petitioner and others who sold her a piece of land in the year 2019-20. Thereafter, conspiracy with one another, they brought into existence of a power of attorney which was executed by stranger Vijay Mahto, Ramesh Mahto and Chandan Kumar wrongly showing themselves to be grandson (Naati) of Fulpari Devi, with respect to her land bearing Khata No. 153, plot no.101, who died issue-less and the informant is legal heirs of Fulpari Devi, who was her *Chachiya*



Saas and as such she inherited her property. On the basis of said power of attorney, this petitioner sold a share of her land.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is civil dispute between the parties. The said land was sold by Chandan Kumar, Vijay Mahto and Ramesh Mahto. Petitioner only signed on the said sale deed in a capacity of Mokhtar. There is no case made out against the petitioner as there is no material to show that the petitioner himself sold the land. A title suit bearing T.S. No. 101 of 2020 is pending between the parties. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is civil dispute between the parties, 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 six weeks from today, on furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Town P.S. Case No. 125 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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