

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70607 of 2023

Arising Out of PS. Case No.-395 Year-2023 Thana- GHOSI District- Jehanabad

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Kaushalendra Kumar @ Kaushalendra Sharma S/O Bisheshwar Sharma
Village Bajitpur, P.S. Ghosi, District Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Hastina Pratap, Adv.
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-11-2023 Heard Mr. N.K. Agrawal, learned senior counsel duly

assisted by Mr. Hastina Pratap, learned counsel for the petitioner

and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Ghoshi P.S. Case No. 395 of 2023 registered for the
offences punishable under Sections 420, 467, 468, 471 and
120B/34 of the Indian Penal Code.

3. The allegation against the petitioner is of usurping
false shares of the informant and his uncle appertaining to 7.78
acres of land by hatching conspiracy and got revenue receipt for
the same fraudulently by submitting a false affidavit before the
concerned Anchal Adhikari evincing him sole heirs of his father.
It is also alleged that the petitioner has also committed forgery



by submitting that Late Badri Narain Sharma had only daughter namely, Bimla Devi and without any partition, Mostt. Bimla Devi, executed a deed of gift in favour of the wife of Late Sharda Sinha.

4. Learned senior counsel for the petitioner submits that the informant of the present case is none else but the cousin of the petitioner and both are admittedly the close agnates. That apart, the informant has already filed the cancellation case bearing Cases No. 52 of 2023 and 55 of 2023, for cancellation of the zamabandi, which are pending for disposal. He further submits that a Title Suit has also been preferred by the petitioner, which is pending before the learned Sub Judge-I, Jehanabad being Title Suit No. 20 of 2023 and there is a *bonafide* land dispute between the parties, which requires adjudication by a competent court of civil jurisdiction.

5. On the other hand, learned counsel for the State opposes the bail application and submits that from the allegation made in the FIR, *prima facie*, it appears to be a case of deception.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, which suggests that it is a case of predominantly civil in



nature and moreover the cancellation cases as well as the title suit are pending between the parties, coupled with the fair antecedent of 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. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Ghoshi P.S. Case No. 395 of 2023, 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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