

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.367 of 2023

Arising Out of PS. Case No.-587 Year-2021 Thana- MASHRAK District- Saran

1. Nitu Devi Wife Of Bhim Rout R/O Vill.- Karan Kudariya, P.O.- Dumarsan Bangra, P.S.- Mashrak, Distt.- Saran At Chapra
2. Amir Hasan Son Of Noor Hasan R/O Vill.- Arna (MUSLIM Tola), P.O.- Arna, P.S.- Mashrakh, Distt.- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Mashrak P.S. Case No. 587 of 2021, registered on 01.12.2021 for the offences under Sections 420, 467, 468, 471/34 of the Indian Penal Code.

3. As per prosecution case, the informant alleged that the petitioners and other co-accused persons committed fraud and prepared some forged documents for her land and sold the same.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioner no. 1 purchased some land from co-accused Krishna Prasad vide sale-deed no. 4056 of 31.12.2020 and she has



no concern with the deed no. 2127 of 05.02.1995. Moreover, the co-accused got the said land in a family partition, who sold all his land to different persons including petitioner no. 1. Petitioner no. 2 is only a witness of the sale-deed who identified the parties. There is no fraudulent transaction on the part of the petitioners and for this reason, no case for the offences under Section 420, 467, 468, 471/34 IPC are made out against the petitioners. The nature of dispute is entirely civil, but a false criminal case has been lodged by the informant on behest of her husband who is the defendant in a title suit filed by co-accused Krishna Prasad.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioners are said to be the purchaser and the identifier witness of the sale-deed, respectively which is not the subject matter of the present FIR, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Saran at Chapra/concerned court in connection with Mashrak P.S. Case No. 587 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

himanshu/-

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

