

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4742 of 2024

Arising Out of PS. Case No.-771 Year-2022 Thana- KANTI District- Muzaffarpur

Sanjeev Kumar S/O Late Ram Jatan Choudhary RESIDENT OF
BRAHMPURA RAHUL NAGAR, NEAR DAMODARPUR GUMTI PS.
BRAHMPURA, DIST. MUZAFFARPUR, BIHAR.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. LALBABU RAI S/O SHIVDATT RAI R/O- BERIYAH SOTI, PS. KANTI,
P.O- HARIDASPUR, MUZAFFARPUR, BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Mishra, Adv.
For the Opposite Party/s : Mr.Bharat Lal, APP.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Kanti Case No. 771 of 2022 dated 15.11.2022 registered for the offences punishable under Sections 406, 420, 467, 468 and 120B read with 34 of the Indian Penal Code.

4. As per the prosecution case, the allegation against the petitioner is that he along with co-accused persons, Ramshankar Rai and Prabhat Kumar Rai prepared forged Mahadnama in respect of Khata No. 112, Khesra No. 441, Area 20 dec. under conspiracy with common intention in which it was asserted that against Rs. 5 lacs, consideration amount, Rs. 3



lacs was paid to the father of the complainant namely, Shivdatt Rai. Thereafter, the petitioners filed a Title Suit No. 43/2021 on the basis of forged Mahadnama. Further, the co-accused persons, Ramshankar Rai, Prabhat Kumar Rai and Ram Pravesh Singh sent one more legal notice on 08.04.2022 where they stated that they had paid Rs. 2 lacs, more for the plot which is pending for execution and which must be executed within two years from 30.06.2020, after receiving the outstanding amount of Rs. 1 lacs. It is further alleged that all these agreements are forged and no such agreement exists.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner has lodged a case against the informant in connection with Kanti P.S Case No. 540 of 2020 on 06.09.2020, hence, the informant lodged a counter case with false submission and made the petitioner as party on 09.09.2020. It is a case of civil nature. Similarly situated co-accused has already been granted anticipatory bail by this court vide order dated 10.01.2024 passed in Cr. Misc. No. 83569 of 2023.

6. Learned A.P.P. for the State has vehemently



opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur in connection with Complaint Case No. 605 of 2022 arising out of Kanti Case No. 771 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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