

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14012 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- SAHARSA SADAR District- Saharsa

SUBHASH SINGH SUMAN S/O Late Ram Narayan Singh R/o Nariyar
Ward No.3, P.S.- Saharsa Sadar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-03-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Saharsa Sadar P.S. Case No. 371 of 2023 for the offence under Sections 406, 420, 467, 468 and 471 of the I.P.C. lodged on 15.06.2023, by the informant, Sanjeev Kumar Singh.

3. As per the prosecution story, the allegation is that the informant's father purchased a piece of land and the same was given on rent to the petitioner. He, however, later stopped making payment which resulted into filing of Title Suit No. 20 of 2008. The informant claimed that on the basis of fraudulent document, he has shown his right over the land. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



dispute arose due to possession of the land as it is a Gairmazarua Khas Malik. The petitioner dispute the same and the informant only with a view to grab the same, lodged this case. He submits that when a Civil Suit was filed in 2008, information received under RTI in the year 2014, after nine years, the present case. The petitioner is an old person of eighty years and has no criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the submissions put forward by the parties as also the fact that he is an aged person, a Title Suit is pending, admittedly there has been delay in lodging of the FIR and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Saharsa in connection with Saharsa Sadar P.S. Case No. 371 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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