

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14986 of 2024

Arising Out of PS. Case No.-220 Year-2023 Thana- NAUTAN District- Siwan

1. Nagendra Srivastava @ Nagendra Kumar Shrivastva @ Fudus @ Funtoos S/o- Late Dharamnath Prasad R/O Village- Pachlakhi P.S- Nautan Dist- Siwan
2. Abhiraj @ Abhiraj Kumar @ Golu son of Nagendra Srivastava @ Nagendra Kumar Shrivastva @ Fudus @ Funtoos R/o Village- Pachlakhi P.S- Nautan Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Kumar, Advocate
For the Informant	:	Mr. Bijay Prakash Singh, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Prashant Kumar, learned counsel for the petitioners, Mr. Bijay Prakash Singh, learned counsel appearing on behalf of the Informant and Mr. Uma Shankar Prasad Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Nautan P.S. Case No. 220 of 2023, F.I.R. dated 14.11.2023 registered for the offences punishable under Sections 323, 420, 467, 468, 471 of the Indian Penal Code.

3. Allegation against the petitioners is that they aided the other accused persons in preparation of a fabricated sale deed and threatened the informant.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that petitioners are neither the seller nor buyer of the deed in question and even they are not with witness of the deed in question and in fact they are *Katib* and they have prepared the deed in question and as per F.I.R. they have prepared the deed in question. Learned counsel for the petitioner further submits that for the sake of argument he supposed the allegation in the F.I.R. is true, neither the petitioners are beneficiary nor they have received any amount from the seller and they have been made accused in the present case merely on the ground that the petitioners are a witnesses of the Complaint Case No. 703 of 2023 and when the learned Court below had issued summons summons for deposition in the Complaint Case No. 703 of 2023 then the present case has been instituted against the petitioners.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioners are on bail in the pending matters.



6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Siwan in connection with Nautan P.S. Case No. 220 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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