

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14766 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- KASBA District- Purnia

Vijay Singh Son Of Late Om Prakash Resident Of Village - Vivekanand Colony, P.S. - Khajanchi Hat, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr. Sunil Kumar Pathak, learned counsel for the petitioner and Ms. Suman Kumari Singh, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Kasba P.S. Case No. 189 of 2023, F.I.R. dated 25.05.2023 registered for the offences punishable under Sections 419, 420, 467, 468, 471 of the Indian Penal Code.

3. Allegation against the petitioner is that the petitioner got mutated his name with respect to 8.14 acres of land on the basis of a forged Sale Deed No. 5672 of 1985.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.



He further submits that in fact the petitioner had been in peaceful possession over the land in question from 1985 and he had applied mutation vide Mutation Case No. 7514 of 2021-22 before the Circle Officer, Kasba and after physical verification, the Circle Officer has allowed the mutation case in favour of the petitioner and for the same set of land the informant has filed a Title Suit No. 103 of 2022 which is pending before the competent court of law for adjudication and thereafter the informant has also filed the Mutation Appeal before the D.C.L.R which was also dismissed vide order dated 01.06.2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner having clean antecedent and the petitioner has been in possession of the land since 1985 and the competent authority has issued the mutation in favour of the petitioner, 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 Chief Judicial Magistrate, Purnea in connection with



Kasba P.S. Case No. 189 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) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner 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 petitioner and in case at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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