

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21515 of 2024

Arising Out of PS. Case No.-2927 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Pankaj Kumar S/o- Suresh Prasad R/o- Bilashpur Ps- Bhagwanpur Hat Dist- Siwan
 2. Manoj Kumar Srivastava S/o- Shri Ram Narain Prasad R/o- 133, Ground Apartment Freser Road Ps- Kotwali Dist- Patna
 3. Krishna Mohan Prasad S/o- Mahesh Prasad R/o- Bihar Sahitya Samelan Bhawan Ps- Kadamkuan Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Advocate
For the State	:	Ms. Rita Verma, APP
For the Informant	:	Mr. Raushan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Shubhesh Pandey, learned counsel for the petitioners, Mr. Raushan Kumar, learned counsel for the complainant as well as Ms. Rita Verma, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 2927(C) of 2023 for the offences punishable under Sections 406, 420 and 467 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have fraudulently prepared a Will. They have got prepared the same by signing the Will in the name of one Saroj Kant Saran who was uncle of the complainant.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are the witnesses of the Will which was executed by the Saroj Kant Sharan on 12.12.2017. He further submits that it appears from the Will dated 12.12.2017 that petitioners are not the beneficiaries of the Will in question and they are only witnesses of the Will in question.

5. Learned counsel for the complainant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioners and submits that Saroj Kant Sharan had executed the previous Will deed on 12.12.2017 in favour of the complainant and in connivance with the petitioners and other co-accused persons the petitioners have made a false Will dated 12.12.2017 in which petitioners are witnesses.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the



learned Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 2927C of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 antecedent, the court below shall take step for cancellation of bail bonds 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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