

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25298 of 2024

Arising Out of PS. Case No.-19 Year-2023 Thana- SIMULTALLA District- Jamui

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Anil Suman @ Anil Kumar Suman @ Anil Kumar Praveen Son of Banaras Prasad Resident of Village and Post- Karma, P.S.- Telaiya, District- Koderma (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Umesh Prasad Gupta Son of Late Devnath Gupta Resident of Eidgah Road, Bhadra Ghatt Gulzarbagh, P.S.- Alamganj, Dist.- Patna, Bihar, at present address- Madhav Villa, Dev Sharda Dham, P.S.- Simultalla, Dist.- Jamui.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-04-2024 Heard Mr. Bijendra Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Surendra Prasad

Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Simultalla P.S. Case No. 19 of 2023 registered for the offence(s) punishable under Sections 467, 468, 406, 420/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the informant had entered into an agreement dated 14.11.2022, with one Archna Suman, who is sister-in-law of the petitioner, for purchasing certain piece of land, and she had committed forgery



with the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. He has brought on record the agreement dated 14.11.2022, by way of Annexure-2 and the falsity of the FIR can be witnessed with the said agreement, in which, the petitioner is neither a witness nor an executor of the said agreement. The agreement contains the signature of only Archana Suman, who is sister-in-law of the petitioner and wife of his deceased brother. Petitioner has no concern with the affairs of his sister-in-law. Petitioner has clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail and submitted that the case is primarily civil in nature and instead of filing suit for specific performance of the agreement, it appears that the petitioner has been made accused in the present case.

6. Considering the nature of allegation made in the FIR, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below, within a period of four weeks from



today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist Class, Jamui, in connection with Simultalla P.S. Case No. 19 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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