

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34711 of 2024

Arising Out of PS. Case No.-576 Year-2022 Thana- ARWAL District- Jehanabad

1. Kapildeo Singh Son of Late Suresh Singh Resident of Village - Dangra, Aahar, P.S. and District - Arwal.
2. Guddu Kumar Son of Kapildeo Singh Resident of Village - Dangra, Aahar, P.S. and District - Arwal.
3. Dinesh Prasad Son of Late Lal Kishor Singh Resident of Village - Madhma, P.S.- Paliganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha
		Mr. Manoj Kumar
For the Opposite Party/s	:	Ms. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 28-05-2024 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Arwal Police Station Case No. 576 of 2022, disclosing offences punishable under Sections 420/467/468/468/471/34 of the Indian Penal Code.3. The prosecution case, as per the First Information Report lodged by the cousin brother of petitioner no. 1, is that in the partition before the Court, they took the land of the Danghara in their name, having Khata No. 04, Plot No. 832, having an area of 37 decimals, on the basis of the |
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signature of the informant-plaintiff on a plain paper. When this fact came to the knowledge of the informant, a correction was sought in the decree at the instance of the informant-plaintiff and accordingly, the correction was done by the Court. During the course of hearing before this Court in Civil Miscellaneous Case No. 424 of 2018, the informant came to know from his lawyer that a fake affidavit, dated 09.11.2015, was filed in his name, stating therein that he has received Rs. 25 lakhs from the petitioner no. 1 in exchange of the land of Danghara. The informant has further alleged that he fully believes that the signature given on a plain paper has been misused by the petitioner no. 1 and his son Guddu Kumar, for the purpose of claiming the land of Danghara.

4. Learned counsel for petitioners submits that the petitioners have falsely been implicated in this case with oblique motive in order to harass them. The petitioners are the defendants in Title Partition Suit No. 312/2015, which was disposed by a compromise decree passed on 08.02.2016. The informant's side are the plaintiff in the said suit. After passing of the decree, a petition for correction in the decree was filed by the informant's side



and the same was corrected on the basis of some undertaking given by the previous counsel of the petitioners-defendants. Aggrieved by the same, the petitioners filed Miscellaneous Case No. 42 of 2017 before the learned District Court for setting aside the correction made in the compromise decree. The miscellaneous case filed by the petitioners was rejected and aggrieved by the same, the petitioners filed Civil Miscellaneous Case No. 424 of 2018 before this Court, challenging the order dated 06.02.2018 passed by the learned District Court in Miscellaneous Case No. 42 of 2017. Civil Miscellaneous Case No. 424 of 2018 was disposed in favour of the petitioners by this Court vide order dated 07.11.2022. After Civil Miscellaneous Case having been allowed by this Court on 07.11.2022, the informant lodged the present case on 01.12.2022 on the ground that in the High Court, some affidavit was produced by the petitioners' side having forged signature of the informant.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the civil nature of dispute, I am inclined to grant the petitioners



privilege of anticipatory bail.

- 6. This application is, accordingly allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, 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 learned Chief Judicial Magistrate, Arwal, in connection with Arwal Police Station Case No. 576 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

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