

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48634 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- BAHERA District- Darbhanga

1. Sohan Kumar Yadav SON OF Siya Yadav RESIDENT OF VILLAGE- GHONGHIYA POLICE STATION -BAHERA DISTRICT -DARBHANGA
2. RAMESH SAHU SON OF KHUR KHUR SAHU RESIDENT OF VILLAGE- GHONGHIYA POLICE STATION -BAHERA DISTRICT -DARBHANGA
3. RANJAN YADAV SON OF RAMESHWAR YADAV RESIDENT OF VILLAGE- GHONGHIYA POLICE STATION -BAHERA DISTRICT -DARBHANGA
4. DILIP SAHNI SON OF LATE RAM KHELAWAN SAHNI RESIDENT OF VILLAGE- GHONGHIYA POLICE STATION -BAHERA DISTRICT -DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 14-08-2024 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 Bahera Police Station Case No. 261 of 2023, disclosing offences under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.
3. As per the First Information Report, the informant has alleged that he has filed Suit/Case No. 06 of 2021 in the Court of Additional Collector, Benipur, against co-accused Sabir



Khan and his brother for forging the documents of ancestral property of the informant. It has further been alleged that the informant got the information that Sabir Khan, on the basis of order passed in Suit No. 456 of 1993, Moti Khan v. Abdul Kadir Khan, decided on 06.10.2003 has sold the property of the petitioner. The land of the informant is having Khata No. 296, Khesra No. 218, 256, 260 measuring an area of 2 Acre 75 decimals. The informant filed R.T.I. seeking information regarding the nature of the case from Settlement Officer, Darbhanga, who informed him that one Siya Saran Yadav is the petitioner/plaintiff in the suit and the defendant was Anabad Bihar Sarkar and the Suit No. 456 of 1993 pertains to Khata No. 2016 Khesra No. 460 Mauza Srirampur.

4. Learned Counsel for the petitioners submits that upon perusal of the FIR, it is clear that the co-accused Sabir Khan, by forging the order in Suit No. 456 of 1993 has sold the property of the informant in favour of the petitioners who are bona fide purchasers of the land from Sabir Khan. The petitioners have also been cheated by Sabir Khan inasmuch as they purchased the land on the basis of the order passed in Suit No. 456 of 1993 and was not aware that the order was forged by the co-accused Sabir Khan.



5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioners claim to be the bona fide purchasers of the land in question and the direct allegation of committing forgery is upon co-accused Sabir Khan, 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 four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipur, Darbhanga, in connection with Bahera Police Station Case No. 261 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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