

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51728 of 2024

Arising Out of PS. Case No.-40 Year-2023 Thana- ANTI District- Gaya

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Mahesh Prasad Son Of Late Barho Prasad Resident of Village - Srikrishna
Puri Colony, Near Jagjeevan College, Nauranga, PS- Mufassil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr.Ahmad Ali, APP
For the Informant	:	Mr. Sanmod Ranjan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Aanti P.S. Case No. 40 of 2023, registered on 15.05.2023 for the offences under Sections 403, 406, 420, 467, 468/34 of the Indian Penal Code.

3. As per prosecution case, co-accused son of the informant got mutated a number of plots belonging to the informant in his name after falsely declaring the informant to be dead. The allegation against the petitioner is that being the Revenue Clerk, he connived with the co-accused in getting the mutation in favour of the co-accused.

4. Learned counsel for the petitioner submits that



there is very limited role of the petitioner in the entire episode. The petitioner is only supposed to forward the document received by him to the higher officials. The co-accused son of the informant produced the document and the petitioner has no means to ascertain that the documents were forged by the co-accused. From the FIR itself it is also clear that the dispute is between the father and the son. Petitioner has not committed any forgery and has not cheated any person and the allegation of involvement of the petitioner is completely without any substance. Learned counsel further submits that the matter has been compromised between the informant and the accused persons and on the basis of compromise co-accused son of the informant has been granted regular bail. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Learned counsel appearing on behalf of the informant concedes that a compromise has taken place between the parties and submits that he has no objection if the bail is granted to the petitioner.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering



the possibility of false accusation in the back of the duties assigned to the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya/concerned court in connection with Aanti P.S. Case No. 40 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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