

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57553 of 2023

Arising Out of PS. Case No.-1344 Year-2019 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Zakir Baleegh @ Jakir Baligh, aged about 65 years, Male, Son of Late Md. Izhar Hussain, R/O Mohalla-- Baswaria, Near- Madhukunj, Ward No. 29, Nagar Road, Bettiah P.O. & P.S.- Bettiah Town, Dist.-West Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Md. Sakir Karim, S/o Late Md. Izhar Hussain, R/o Mohalla-Baswaria, Daroga Tola, Ward No. 30, Bettiah, P.O. and P.S. - Bettiah (Town), Distt. - West Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Akhileshwar Kumar Shrivastva, Advocate
For the O.P. No. 2	:	M/S. Ranany Kumar and Mahtab Alam, Advocates
For the State	:	Mr. Ram Sevak Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 29-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Complaint Case No. 1344-C/2019, CRI (P) 1332/2019 dated 19.08.2019 registered for the offences punishable under Sections 420, 467, 468 and 471 of the I.P.C.



As per the prosecution case, the petitioner is elder brother of the complainant and he by fabricating a forged documents and false affidavit by showing the complainant's signature and under conspiracy of Anchal Office, has mutated the land and house of the complainant in his name. When he came to know about the same, he protested, upon which, the petitioner has disclosed that the mutation has been allowed in his favour. Thereafter, the complainant made search and found Mutation Case No. 1344 of 2010-11 has been allowed which caused surprised to him. It is further alleged that in the aforesaid mutation case, he found an affidavit, bearing his signature in Urdu to the effect that there is no objection to the complainant in respect of mutation and the property has been gifted to the petitioner by the father while he did not swear an affidavit and their father did not make any gift to the petitioner. He further alleged that the petitioner has fabricated all the documents fraudulently and has secured mutation with intention to cause loss to him. It is further alleged that Khesra Baksisnama and the affidavit have been fabricated and brought into existence with an intention to cause injury to him.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in



this case. It is submitted that the petitioner and the complainant are the full brothers and a Partition Suit No. 182 of 2017 is going on between the parties, annexed as Annexure-P/2 series to the bail application. It is submitted that it is a case of civil dispute. It is further submitted that the so-called forgery was alleged to have been committed nine to ten years ago in a proceeding of mutation in the court of learned Circle Officer but the complainant never made any complaint before the Circle Officer to this effect. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the complainant has submitted that the petitioner by fabricating a forged documents and false affidavit by showing the signature of the complainant has got the land and house of the complainant mutated in his name under conspiracy of the Anchal Office.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like



amount each to the satisfaction of learned court concerned, Bettiah, West Champaran, in connection with Complaint Case No. 1344-C/2019, CRI (P) 1332/2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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