

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62454 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- Bathnaha District- Araria

1. Ram Chandra Sah Son of Late Mathuri Sah @ Late Mathuri Lal Sah R/O Ward no. 13, Fena Belahi, Bathnaha, P.S.- Bathnaha, Dist.- Araria.
2. Binod Kumar Sah Son of Hari Lal Sah @ Late Shri Lal Sah R/O Ward no. 13, Fena Belahi, Bathnaha, P.S.- Bathnaha, Dist.- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ajay Kumar Thakur, Adv Mr. Ritwik Thakur, Adv Mrs. Vaishnavi Singh, Adv
For the Opposite Party	:	Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-09-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Bathnaha P.S Case No. 27 of 2024 dated 12.04.2024 registered for the offence punishable u/s 467, 468, 471, 120B, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the informant's father died at his residence on 22.08.2006. Four months after his death, the informant's elder brother Ramchandra Sah forged the will of his deceased father and made fake thumb impressions and



registered two separate wills in his name on 20.12.2006 at the Sub Registrar Office, Forbesganj. The book deed number is 93, token number 3287 of the year 2006 and book deed number 92, token number 3288 of the year 2006 and Binod Sah has signed this fake will as the identifier. In the will, the photos of Ramchandra Sah and Binod Kumar Sah are printed in the photo column of the writer and the identifier. The photo column in the writing is written blank and when Ramesh Prasad Sah, the witness named in the will, was asked about signing the will, he submitted an affidavit no. 128/15, dated 11.07.2015. In which he stated that the informant's father died on 22.08.2006 and after several months of his death, Ramchandra Sah brought a written document on which Vinod Dutta and Mithilesh Kumar Sah had already signed. Ramchandra Sah took three pieces of photo from Ramesh Prasad Sah and got them signed by telling him that he was taking a loan. This confirms that the petitioners and the co-accused persons have committed fraud by illegally forging documents to obtain the informant's share of ancestral valuable property and on the basis of that, the accused have usurped the land that was in the informant's share and are illegally buying and selling the property. Meanwhile, on 12.04.2024 at 5:00 pm, Ramchandra Shah, Binod Kumar Shah,



Bhama Devi, Amala Devi and Mithilesh Kumar came near the house of the informant and started abusing and threatened to kill him.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. As per Annexure- 2, the petitioner no. 1 has filed Probate Case No. 24/2015 which is pending in the court of learned Additional Sessions Judge-II, Araria as well as Probate Case No. 12 of 2016 pending in the court of learned Additional Sessions Judge-IV, Araria. The petitioner no. 1 is accused in three cases out of which he is acquitted in one case and he is on bail in other two cases whereas the petitioner no. 2 has clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 22.06.2024

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria, in connection with Bathnaha



P.S Case No. 27 of 2024, with the condition:-

(i). The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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