

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60805 of 2024

Arising Out of PS. Case No.-975 Year-2023 Thana- COMPLAINT CASE District- Araria

1. Kabita Devi W/O Ashok Yadav R/O Village- Tarbi, Ward No.-2, P.S- Palasi, Distt.- Araria.
2. Rani Devi W/O Mahendra Yadav R/O Village- Tarbi, Ward No.-2, P.S- Palasi, Distt.- Araria.
3. Rambha Devi W/O Kishan Lal Yadav R/O Village- Tarbi, Ward No.-2, P.S- Palasi, Distt.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Narayan Yadav S/O Dhan Lal Yadav R/O Village- Tarbi, P.S- Palasi, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024 Heard Miss Kusum Kumari, learned counsel for the petitioners, Mr. Sanjay Kumar Sharma for the informant and Mr. Ram Priya Sharan Singh representing the State .

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 975(c) of 2023 for the offence under Sections 323, 420, 504 of the I.P.C. lodged on 20.05.2023 by the complainant, Narayan Yadav.

3. As per the complaint, it has been alleged that a piece of land was purchased by him as also by his brother in the year 1985 and they are in possession of it. However, one fine



morning of the year 2023 the accused persons, armed variously came and started construction over the land. On protest, not only they abused but also showed the Basgit Parcha issued in their favour in the year 1993 and when inquired why they took 31 years to construct the house when the Basgit Parcha was issued in the year 1993, there was nothing to answer. Later, upon approaching the Revenue Officer, it came to knowledge that it is a forged document. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submits that two of the ladies (petitioner No. 1 and 2) have been married in the family recently but in a zeal to implicate everyone, the ladies have been roped in which include the two petitioners. Further, petitioner No. 3 is the mother-in-law, an aged person.

5. Learned Counsel for the informant on the other hand submits that the Revenue Officer approved that on the basis of forged document showing Basgit Parcha of the year 1993, they tried to construct house.

6. Learned APP also echoes the submission of the learned Counsel for the informant.

7. Taking into account the aforesaid facts as also that the cognizance has been taken in the complaint, the accused person will be facing the consequences of having forged the



document on the basis of which they barged into the land. These petitioners are ladies and one of them is aged. Other two ladies have recently come in the family. This Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Araria/ Concerned Court in connection with Complaint Case No. 975 (c) of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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