

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63564 of 2023

Arising Out of PS. Case No.-483 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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1. ASHISH BHUSAN Son of Sri Aditya Kumar R/o Mohalla - Karmali Chak, P.S. - Bypass, Distt. - Patna
 2. Ravi Bhusan Son of Sri Aditya Kumar R/o Mohalla - Karmali Chak, P.S. - Bypass, Distt. - Patna
 3. Aditya Kumar Son of Ram Krishna Mehta R/o Mohalla - Karmali Chak, P.S. - Bypass, Distt. - Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jayant Kumar Son of Late Ram Krishna Mehta Resident of Village- Karmalichak, P.S.- Bypass, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Krishna Jha, Adv.
For the Opposite Party/s	:	Mr.Shahabuddin Azeem @ S. Azeem, APP Mr.Sunil Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 19-03-2024 Heard learned counsel for the petitioners, learned counsel
for the O.P. No.2 and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered
for the offence punishable u/s 120(B), 467, 468, 420, 452, 323,
504 of the IPC.

3. As per the prosecution case, the complainant made
payment of Rs.272250/- to one Shanti Devi for executing a deed
of land from Shanti Devi, in which, petitioner no.3 was a
witness and she got the time extended by four times and then the
cost of land became Rs.Four Crores. It is alleged that the



petitioners have confined Shanti Devi and are not letting her execute the land in favour of the complainant and even want to cheat the amount of Rs.272250/- of the complainant. Thereafter, a legal notice was sent and reply was given but the signature of Shanti Devi was found forged and the petitioners are selling the land to some other person.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. Petitioner nos.1 and 2 are the sons of the petitioner no.3. The complainant and petitioner no.3 are own brothers and Shanti Devi is the mother and a Title Suit bearing No.78/19 is also pending between the parties. The complainant himself prepared a forged document after making forged signature of Shanti Devi and the real fact is that Shanti Devi never executed '*bai-bayana*' in favour of the complainant. Only with a view to grab the land of mother Shanti Devi, the complainant prepared a forged document, which is clear from the report of the handwriting expert which is enclosed at Annexure-8 of the complaint petition. After perusal of the signature of Shanti Devi made on the written statement, it is apparent that the signature of Shanti Devi on all the document are forged one and the



National Forensic Laboratory has also given its opinion that the signatures are forged one and not tally with the original signature of Shanti Devi. It is lastly submitted that there is a civil dispute between the parties and petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for bail by submitting that Shanti Devi herself sold the land to the complainant and the petitioners are the witnesses of the sale deed.

6. Having regard to the facts and circumstances of the case and considering it a civil dispute between the parties, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No.483 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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