

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62203 of 2024

Arising Out of PS. Case No.-176 Year-2024 Thana- MUFFASIL District- Aurangabad

1. Ajay Kumar @ Ajay Kumar Chauhan Son of Ram Prasad Nonia Resident of Village- Wahid Bigha, P.S.- Muffasil, District- Aurangabad, At Present Resident of Junkunder Brahm Asthan, P.S.- Chirkunda, District- Dhanbad (Jharkhand)
2. Ram Prasad Nonia Son of Late Doman Nonia Resident of Village- Wahid Bigha, P.S.- Muffasil, District- Aurangabad, At Present Resident of Junkunder Brahm Asthan, P.S.- Chirkunda, District- Dhanbad (Jharkhand)
3. Shanti Devi Wife of Ram Prasad Nonia Resident of Village- Wahid Bigha, P.S.- Muffasil, District- Aurangabad, At Present Resident of Junkunder Brahm Asthan, P.S.- Chirkunda, District- Dhanbad (Jharkhand)
4. Ram Peyare Chauhan Son of Late Ramdeo Chouhan Resident of Junkunder Brahm Asthan, P.S.- Chirkunda, District- Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nandlal Nonia Son of Karu Noniya Resident of Village- Wahid Bigha, P.S.- Muffasil, District- Aurangabad, At Present Resident of Junkunder Brahm Asthan, P.S.- Chirkunda, District- Dhanbad (Jharkhand)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 16-12-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and Sri Krishna Prasad Singh learned Senior Counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 420, 120(B), 467, 468 and 471 of the Indian Penal Code.

3. Learned counsel appearing on behalf of the petitioners submits that petitioners are persons with clean



antecedent and petitioners no. 1, 2 and 3 are own cousin, uncle and aunt of the informant and petitioner no. 4 is a witness on the Will said to be executed by grandmother of the petitioner no. 1.

4. Learned counsel for the petitioners submits that in sum and substance, the allegation is that Ram Prasad Nonia (petitioner no. 2) and Karu Nonia were sons of Doman Nonia and Doman Nonia in his lifetime divided his property equally in between his two sons in the year 1995 through family settlement and the same was signed by the witnesses. It is further alleged that accused persons got executed a forged and a fabricated deed of Will from grandmother of petitioner no. 1 i.e. wife of Doman Nonia.

5. Learned counsel appearing on behalf of the petitioners submits that the dispute is purely civil and the Will executed by wife of Doman Nonia is also under dispute as such a Probate Case No. 18 of 2023 has been filed by Ram Prasad Nonia (petitioner no. 2). Learned counsel further submits that in the event if probate case is decided in favour of Ram Prasad Nonia i.e. petitioner no. 2 and others in that event the allegation as alleged in the FIR would stand falsified. It is next submitted that since probate case is pending adjudication as such the petitioners may be granted the privilege of anticipatory bail.



6. Learned A.P.P. for the State and learned Senior Counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that in the event if probate case is decided in favour of the petitioner no. 2 and others in that event the allegation as alleged in the instant FIR shall stand falsified.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Aurangabad Mufassil P.S. Case No. 176 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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