

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60782 of 2023

Arising Out of PS. Case No.-614 Year-2022 Thana- BARACHATTI District- Gaya

-
1. Muneshwar Yadav, aged about 38 years (Male), S/O Nanhku Yadav @ Nanku Yadav, R/O Village- Hariyadag, P.S.- Mohanpur, District- Gaya.
 2. Surendra Kumar, aged about 28 years (Male), S/O Nanhku Yadav @ Nanku Yadav, R/O Village- Hariyadag, P.S.- Mohanpur, District- Gaya.

... .. Petitioners

Versus

1. The State of Bihar.
2. Brijia Bari, S/O Late Gaya Raut, Resident of Village-Ghughari, P.S. Mohanpur, District-Gaya.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party : Mr. Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 12-02-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State. However, from perusal of the office notes dated 31.01.2024, it appears that during the pendency of the present application, the opposite party no. 2 has died.

2. The petitioners are apprehending their arrest in connection with Barachatti (Mohanpur) P.S. Case No. 614 of 2022 dated 14.07.2022 registered for the offences punishable under Sections 406, 420, 467 and 468 of the I.P.C.

3. As per the prosecution case, the petitioners and the co-accused persons got wrongly sale deed executed by way of



forged process. It is further alleged that on 10.06.2022 the informant alongwith his family member, Prince Kumar, went to cultivate the land, all of sudden, all accused persons came and abused and said that they have purchased total land measuring 12 Acres and 32 decimals.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that from perusal of the sale deed, it appears that petitioners' name do not find place in the column either as sellers and purchasers or identifiers. It is further alleged that the alleged occurrence took place on 22.04.2022 as to when the F.I.R. was lodged on 14.07.2022 after a delay of three months for which no explanation has been given by the prosecution. It is a case of civil nature and the informant has remedy to invoke before the competent civil court. The petitioner no. 2 has clean antecedent and the petitioner no. 1 has two criminal antecedents as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their



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) each with two sureties of the like amount each to the satisfaction of learned court concerned, Gaya, in connection with Barachatti (Mohanpur) P.S. Case No. 614 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

