

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71331 of 2023

Arising Out of PS. Case No.-664 Year-2017 Thana- ARA NAGAR District- Bhojpur

Md. Reyaz, S/o Mehrum Mumtaz, resident of Village- Bind Toli, Shivnath
Mandir, P.S.- Ara Town, Dist- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Hari Mohan Tripathi, Advocate
For the State	:	Ms. Sharda Kumari, Advocate
For the Informant	:	Mr. Bibhuti Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 29-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Ara Town P.S. Case No. 664 of 2017 registered under Sections 341, 323, 379, 419, 420 and 506 read with 34 of the Indian Penal Code.

3. Allegation against the petitioner is to cheat informant for a piece of ancestral land by creating a forged document.

4. It is submitted by learned counsel that the petitioner has been falsely implicated with present case being agnate. It is submitted that petitioner is a lawful owner of disputed piece of land and being agnate, in a planned and formulated manner, the present FIR was lodged, which is



evident from the fact that the complaint was filed with a delay of more than two months of the occurrence. It is submitted that the alleged stamp paper was not purchased in name of petitioner. It is further submitted that there is no any forensic or scientific report as to suggest *prima facie* the document in issue as forged and fabricated. It is further submitted that petitioner is also one of the co-sharer of the disputed land. While concluding argument, learned counsel for the petitioner submitted that the petitioner involved in two more criminal cases, where he is on bail.

5. Learned APP duly assisted by Mr. Bibhuti Kumar, learned counsel for the informant opposed the prayer of bail. It is submitted by learned counsel appearing on behalf of the informant that allegation as to create forged document is available against the petitioner.

6. In view of aforesaid facts and circumstances and by taking note of fact as the complaint in issue was lodged after a delay of more than two months and petitioner appears *prima facie*, one of the co-sharer of the disputed property, where occurrence alleged to be arises out of land dispute, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within



a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara Town P.S. Case No.664 of 2017, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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

