

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65613 of 2023

Arising Out of PS. Case No.-274 Year-2022 Thana- SHAMBHUGANJ District- Banka

KAUSHAL KISHORE TIWARI @ KOUSAL KISHOR TIWARI son of Late
Gopichand Tiwari Village- Rupai Ps- Shambhuganj Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Adv.

For the Opposite Party/s : Mr.Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 18-03-2024 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in
connection with Shambhuganj P.S. Case No. 274 of 2022 dated
12.10.2022 registered for the offences punishable u/ss 420, 467,
468, 471, 504, 506 and 323 of the Indian Penal Code.

4. As per the prosecution case, it is alleged that the
complainant has purchased a piece of land appertaining to Khata
No. 22, Khesra No. 380, 366 K.M. and measuring area 15.625
decimals situated in Mauza Ruspai, District Banka from the



petitioner and the co-accused persons by way of sale deed bearing No. 5660, dated 28.04.2017 after paying Rs. 96,000/-. Thereafter, the petitioner and the co-accused persons by committing cheating and forgery again executed the sale deed bearing nos. 9769 and 9789, dated 17.05.2022 in respect of the aforesaid land and thereafter dispossessed the informant from the aforesaid land.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner and the petitioner has no concern with the alleged offence. It is further submitted that the said land was not executed by the petitioner rather it was executed by the co-accused persons namely, Shiv Nandan Tiwari and Nityanand Tiwari who have already been granted anticipatory bail by this court vide order dated 11.01.2024 passed in Cr. Misc. No. 47994 of 2023. Learned counsel has further submitted that it is a case of civil dispute. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances



of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Banka in connection with Shambhuganj P.S. Case No. 274 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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