

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85091 of 2023

Arising Out of PS. Case No.-431 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

Harendra Singh Son of Late Ganesh Singh Resident of Village- Naini, P.S.
Chapra Muffasil, District- Saran, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sobha Devi W/o Sidheshwar Singh R/o Village- Khalpura, Kamala, P.S.-
Muffasil, District- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-01-2024 Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Chapra Muffasil P.S. Case No. 431 of 2018 registered for the offences punishable under Sections 420, 467, 468, 471 and 504/34 of the Indian Penal Code.

3. The FIR has been registered on the basis of a complaint, which was sent to the concerned police station under Section 156(3) CrPC, alleging therein that the cousin father-in-law of the informant, namely, Moti Singh had given some landed property to the informant through will, leading to filing of Title Suit No. 24 of 1990, which was allowed in favour of the



informant. Despite knowing the aforesaid fact, the petitioner along with others prepared a forged and fabricated documents showing the ownership over the land in question and sold the same in favour of co-accused Om Prakash Singh without any title. It is further alleged that co-accused Sushil Singh and Satendra Kumar Singh were witnesses to the sale deed.

4. Learned counsel for the petitioner submits that from the narratives of the FIR, it is evident that a dispute of civil nature has knowingly been given the colour of criminal case only with a view to wreak vengeance and put pressure upon the petitioner. He further submits that neither the land in question belongs to the informant nor she has any document to prove the title over the same. He next submits that the petitioner being valid and legal owner of the said land, has sold the same in favour of co-accused Om Prakash Singh and the petitioner has also been paying rent to the government. He lastly submits that, in fact, the investigation is still going on and, thus, the delay has occurred in approaching this Court. The petitioner bears no criminal antecedent.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner by preparing the forged and fabricated documents, sold the land,



which was in the name of the opposite party no.2.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, which is predominantly civil in nature, coupled with the fact that there is a rent receipt in favour of the petitioner and his fair antecedent as also the fact that the investigation is still going on, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 431 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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