

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83569 of 2023

Arising Out of PS. Case No.-771 Year-2022 Thana- KANTI District- Muzaffarpur

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1. Ramashankar Rai @ Rama Shanker Roy @ Shiv Shankar Rai @ Shive Shanker Roy Son Of Late Nand Bihari Rai R/O Beriyahi Soti, P.S.- Kanti, P.O.- Haridaspur, Muzaffarpur, Bihar
 2. Prabhat Kumar Rai @ Prabhat Kumar Son Of Ramashankar Rai @ Rama Shanker Roy @ Shiv Shankar Rai @ Shive Shanker Roy R/O Beriyahi Soti, P.S.- Kanti, P.O.- Haridaspur, Muzaffarpur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalbabu Rai Son Of Shividatt Rai R/O Beriyahi Soti, P.S.- Kanti, P.O.- Haridaspur, Muzaffarpur, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr.Dr. Ajeet Kumar, A.P.P
For the Informant/s	:	Mr. Jay Prakash Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 10-01-2024 Learned counsel for the petitioners 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 petitioners and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

3. The petitioners are apprehending their arrest in connection with Kanti Case No. 771 of 2022 dated 15.11.2022 registered for the offences punishable under Sections 406, 420, 467, 468 and 120B read with 34 of the Indian Penal Code.



4. As per the prosecution case, the allegation against the petitioners is that they prepared forged Mahadnama in respect of Khata No. 112, Khesra No. 441, Area 20 dec. and Thana No. 72 under conspiracy with common intention in which it was asserted that against Rs. 5 lacs, consideration amount, Rs. 3 lacs was paid to the father of the complainant namely, Shivdatt Rai. Thereafter, the petitioners filed a Title Suit No. 43/2021 on the basis of forged Mahadnama. Further, they sent one more legal notice on 22.04.2008 where they stated that they had paid Rs. 2 lacs, more for the plot which is pending for execution and which must be executed within two years from 30.06.2007, after receiving the outstanding amount of Rs. 1 lacs. It is further alleged that all these agreements are forged and no such agreement exists.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The petitioners have lodged a case against the informant in connection with Kanti P.S Case No. 540 of 2020 on 06.09.2020, hence, the informant lodged a counter case with false submission and made the petitioners as party on 09.09.2020.



6. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of anticipatory bail of the petitioners.

7. 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/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur in connection with Kanti Case No. 771 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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