

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85046 of 2023

Arising Out of PS. Case No.-154 Year-2014 Thana- KESARIA District- East Champaran

Indra Bhushan Prasad S/O Rameshwar Prasad Resident Of Tilubigha, P.O.-
Barnausa, P.S.- Silab, District- Nalanda, State-Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-01-2024 Heard Mr. Pritish Ranjan, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Kesariya P.S. Case No. 154 of 2014 (G.R. Case No. 3706
of 2014), registered for the offences punishable under Sections
420, 467, 468 and 471 of the Indian Penal Code.

3. The allegation against the petitioner that he along
with other co-accused persons with criminal conspiracy
prepared forged deeds of lease of the land of the informant with
a view to erect pond for fisheries and to take money from the
Bank and also to obtain subsidy of several lakhs for Fishery
Department, Government of Bihar.

4. It is submitted on behalf of the petitioner that the



informant had executed deeds of lease in favour of the accused persons for the purpose of fisheries and also promised to help in business, but the informant and other persons knowingly started disturbing the accused persons in business and lastly, in order to extract money, the present FIR has been instituted. It is further submitted that even as per the narrations made in the FIR, which *prima facie*, appears to be a civil matter and for which informant had remedy available under the Civil Court of Competent Jurisdiction. He further submitted that other co-accused persons, having more or less identical allegation, they have been allowed the privilege of anticipatory bail by different Benches of this Court, the copies of which have been marked as Annexure – 2 series. He lastly submits that though the petitioner is having two criminal antecedent, but he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner bears two criminal antecedent of identical nature and, moreover, the petitioner has approached this Court belatedly after eight years.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that investigation is



still going on, as would be evident from the impugned order, coupled with the fact that other co-accused persons, have been allowed the privilege of anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate – III, Motihari in connection with Kesariya P.S. Case No. 154 of 2014 (G.R. Case No. 3706 of 2014), subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

shivank/-

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

