

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84552 of 2023

Arising Out of PS. Case No.-101 Year-2023 Thana- BIKRAMGANJ District- Rohtas

Uma Datt Sah SON OF LATE MUNILAL SAH R/O VILLAGE- KHARAJ
KALA, P.S.- DAWATH, DIST.- ROHTAS

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Patna
2. LAKSHMINA DEVI WIFE OF KRISHNA SAH R/O VILLAGE AND P.S.-
SURYAPURA, DIST.- ROHTAS

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Nand Kumar, APP

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

ORAL ORDER

3 12-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Bikramganj P.S. Case No. 101 of 2023 dated 26.02.2023 registered for the offence/s punishable u/ss 406, 420, 467, 468 and 471 of the Indian Penal Code.

3. As per the prosecution case, the father of the petitioner executed a sale-deed in favour of the informant after taking an amount of Rs. 4,10,000/-. The mutation was also made in favour of the informant and her name was mentioned in the Register-II and the rent receipt was also issued for the year 2022. When the informant went to get the land measured, she



found that the said land has already been sold to some other persons and the said land belongs to the State of Bihar. Thereafter, she found that the land in question does not belong to Uman Dutt Sah (the petitioner) and he committed forgery with her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that it is a case of civil nature. The petitioner purchased the said land from one Haridwar Prasad through two deed no. 1996 and 1997 through a registered sale deed, and the land was mutated in his name and the petitioner was in peaceful possession. The petitioner sold the aforesaid land through the registered sale deed no. 4608 dated 22.06.2021 where he gave all details as to how he got the said land acquired. As per FIR, the informant did not disclose the name of the person to whom the said land was earlier sold. Similarly situated co-accused has already been granted anticipatory bail by the co-ordinate bench *vide* order dated 24.01.2024 passed in Cr. Misc. No. 851 of 2024. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently



opposed the anticipatory bail petition of the petitioner.

6. 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 the learned court concerned, Bikramganj (Rohtas) in connection with Bikramganj P.S. Case No. 101 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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