

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1590 of 2024

Arising Out of PS. Case No.-490 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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1. Javed @ Javed Akhtar, aged about 46 years, Male, S/O Musa, R/O Behind St. Teresa School, P.S. Bettiah (Town), District- West Champaran.
 2. Siril Serafil @ Shril Anthoni, aged about 30 years, Male, S/O Antuni Vaptisva, R/O Christian Quarter, P.S. Bettiah (Town), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel

 appearing on behalf of the petitioner and Mr. Ram Naresh Ray,

 learned APP for the State.

2. At the outset, learned counsel appearing on behalf
of the petitioners informs that petitioner no. 1, namely, Javed @
Javed Akhtar, has been arrested during the pendency of the case
and seeks to withdraw the present bail application on behalf of
petitioner no. 1.

3. Accordingly, the present bail application is
dismissed as withdrawn on behalf of petitioner no. 1 namely,
Javed @ Javed Akhtar.

4. The petitioner no. 2, namely, Siril Serafil @ Shril



Anthoni seeks pre-arrest bail in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 490 of 2023 registered for the offence punishable under Sections 406, 420, 448, 468, 467, 471, 472, 379, 384, 506 and 34 of the Indian Penal Code.

5. As per the allegation made in the FIR, the petitioner along with the other accused persons by committing fraud, had sold the property as mentioned in the FIR to one Krishnakant Singh @ Tinku Singh. Specific allegation is against one Kundan Rao, who had executed the sale deed relating to Holding No. 286, Khesra- 7022 total area measuring 10 Dhoor behind the back of the petitioner by manufacturing forged documents. Petitioner has been made accused being the deed writer.

6. Learned counsel appearing on behalf of the petitioner submits that no forgery has been committed by the petitioner. Petitioner is a deed writer but the alleged deed has not been prepared by him. Petitioner is not concerned with the alleged transaction in any manner which has taken place. He further submits that the informant has not produced even a chit of paper in support of his allegation that the house existing on Holding No. 286, Khesra- 7022 total area measuring 10 Dhoor has been sold to one Krishnakant Singh @ Tinku Singh. He



further submits that the allegation has been made against the petitioner to pressurise him, as admittedly, the vendor and the vendee along with other co-accused have been released on bail vide order dated 18.01.2024 passed in Cr. Miscellaneous No. 83472 of 2023 and vide order dated 06.12.2023 passed in Cr. Miscellaneous No. 64909 of 2023. Petitioner has clean antecedent. On these grounds, petitioner no. 2, namely, Siril Serafil @ Shril Anthoni seeks to be released on pre-arrest bail.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that the allegation against the petitioner is that he was in possession of a photostat copy of the deed by which the father of the petitioner came into the possession of the said holding and the complicity of the petitioner cannot be denied.

8. Having heard the rival submissions made on behalf of the parties, the specific allegation against the petitioner is that he is a deed writer, however, no evidence has been brought on record with respect to license possessed by the petitioner. Allegation is that petitioner was found with photostat copy of the papers of the deed relating to holding no. 286, khesra no. 7022 total area measuring 10 dhoor, which was sold by his father allegedly in the year 1973 to the father of accused



Kundan Rao, who is alleged to be *bona fide* owner of the said land and sold the land to the Krishnakant Singh @ Tinku Singh. Learned District Court is directed to obtain the revenue records relating to the land in question relating to the year 1973 and the correction slip issued after the land was mutated in the name of the Kundan Rao against whom allegation is that he had executed a sale deed dated 23.09.2022, which has been brought on record by way of 'Annexure-3' to the bail application.

9. If it is found that the father of the informant had sold the land way back in 1973 to Late Ravindra Rao, residence of Diuliya, P.S. Ramnagar, District – West Champaran, who is the father of co-accused Kundan Rao, then in that case, the petitioner no. 2, namely, Siril Serafil @ Shril Anthoni, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the 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 C.J.M., Bettiah, West Champaran, in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 490 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The Court below is directed to verify the



criminal antecedent of the petitioner no. 2 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner no. 2 as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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