

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9493 of 2025

Arising Out of PS. Case No.-292 Year-2014 Thana- DIGHA District- Patna

Md. Sharif Son of Late Noor Mohammad Resident of Nasriganj Digha PS-
Digha District -Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sumitra Devi wife of Late Nityanand Singh village- Patel Lane, Ramjichak,
Ps- Digha, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanchay Srivastava, Advocate Mr. Sushant Srivastava, Advocate Mr. Ashish Kumar, Palit, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the O.P. No. 2	:	Mr. Rajeev Ranjan, Advocate Mr. Jagjit Roshan, Advocate Mr. Anjani Kumar, Advocate Mr. Jayant Kumar Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Digha P.S. Case No. 292 of 2014, dated
18.11.2014, registered for the offences punishable under
Sections 420, 467, 468, 323, 379 and 120B of the Indian Penal
Code.

3. As per allegation, an agreement for sale was
purportedly executed by the petitioner and co-accused, Umesh
Chandra Rai and father of the informant for sale of some parcel



of land, belonging to the father of the informant. As per further allegation, the signature of father of the informant is forged in the agreement for sale

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, the agreement for sale, in issue, was genuinely executed by the father of the informant in favour of the petitioner and co-accused, Umesh Chandra Rai. However, after death of the father of the informant, the informant is not executing the sale deed and hence, he has filed a Civil Suit for specific performance bearing Title Suit No. 297 of 2009 and that is still pending consideration of the competent Civil Court which is the competent authority to decide regarding genuineness or forgery of the documents in issue. He further submits that the alleged facts and circumstances constitute at most a dispute of civil nature.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State and learned



counsel for the informant vehemently oppose the prayer of the Petitioner for bail submitting that the petitioner along with co-accused, Umesh Chandra Rai has committed offence of forgery and hence, the petitioner does not deserve to enlarge on anticipatory bail and allegation is also supported by the statement of the witnesses examined during investigation.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Digha P.S. Case No. 292 of 2014, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the



same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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