

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9020 of 2025

Arising Out of PS. Case No.-248 Year-2024 Thana- PUPRI District- Sitamarhi

Upendra Chaudhary @ Upendra Son of Sri Vinod Chaudhary Resident of
Village - Aabidpur, Bajpatti Got, P.S. and Post - Bajpatti, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner apprehends his arrest for the offences
punishable under Sections 406, 420, 467 and 468/34 of the
Indian Penal Code.

3. The allegation made in the first information report
is that the land belonging to the father of the informant has been
fraudulently sold by preparing a forged sale deed in the name of
the dead father of the informant by one Shiv Shankar
Chaudhary, who happens to be the brother of the said Shiv
Narain Chaudhary. The petitioner was the witness of the said
sale deed.

4. Learned counsel for the petitioner submits that it



would be apparent from the perusal of the first information report that the sale deed in question has been executed by co-accused, Shiv Shankar Chaudhary and the allegation of impersonation is on one Rambriksh Chaudhary. The petitioner is a simple villager and became a witness to the said sale deed. Further submission is that the case is primarily of civil nature and other civil remedies are available to the informant.

5. Learned APP for the State and learned counsel for the informant opposes the prayer for bail on the ground that fraudulent sale deed has been executed against a dead person and also that processes under Section 82 Cr.P.C. has already been initiated against the petitioner. In response to the same, learned counsel for petitioner placed reliance on the case of **Asha Dubey Vs. The State of Madhya Pradesh** passed in **Criminal Appeal No. 4564 of 2024/SLP (CRL.) No. 13123 of 2024**, wherein it has been laid down by the Hon'ble Apex Court that, it is not as if in all cases that there will be a total embargo on considering the application for the grant of anticipatory bail. When the liberty of the accused is pitted against, Courts will have to see the circumstances of the case, nature of the offence and the background based on which such a proclamation was issued.



6. Taking into consideration the facts and circumstances of the case and the law laid down by the Hon'ble Apex Court in the case of Asha Dubey (Supra), I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Pupri P.S. Case No.248 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and on a further condition that the petitioner shall cooperate with the investigation and in the event of a violation of the condition, the informant would be at liberty to seek cancellation of bail that has been granted.

7. The application is thus allowed with the aforementioned conditions.

(Soni Shrivastava, J)

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