

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21996 of 2025

Arising Out of PS. Case No.-745 Year-2024 Thana- MAHUA District- Vaishali

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1. Raja Ram Singh Son of Shambhu Prasad Singh Resident of Village - Chhitraly, P.S. - Mahua, District -Vaishali, at present resident of Vishwaspur, P.O. - Gulab Bagh, P.S. - Sadar, District - Purnea
 2. Shyam Kumar Son of Shambhu Prasad Singh Resident of Village - Chhitraly, P.S. - Mahua, District -Vaishali, at present resident of Vishwaspur, P.O. - Gulab Bagh, P.S. - Sadar, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP
For O.P. No.2 : Mr. Surendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-05-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioners who apprehend arrest in connection with Mahua P.S. Case No. 745 of 2024, lodged on 11.08.2024, under Sections 318(4)/338/336(3)/ 340(2) /61 (2) /3(5) of the Bhartiya Nyay



Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against six named accused persons including the present petitioners. Allegation in the FIR is that the informant discloses that the land was the Khatiyani land of grant-father of the informant on which they are in possession and rent receipt has been paid up to 2023-2024. It has been alleged that petitioner No.1 has executed a forged power of attorney in his name and by virtue of the said forged power of attorney, they have created Mahdanama (agreement for sale) on the basis of the said forge power of attorney to two different persons. It has also been alleged that the second petitioner is also involved in the conspiracy for preparation of those documents.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the informant has come with forge allegation, actually the said document has been validly created in favour of petitioner No.1 and, therefore, it is the false case lodged by them.

5. Learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that it is the specific pleading in the *fardbeyan* that the person who has



alleged to create document has already died, identifier has already died. Therefore, in this view of the matter he is claiming that the document No.25575 dated 13.01.1971 is forged and fabricated and created only with a view to grab the land of the informant.

6. Learned APP for the State opposes the prayer for bail of the petitioners.

7. Considering the fact that the allegation against petitioner No.1 is of executing forge power of attorney in his favour, hence, anticipatory bail application of petitioner No.1 is hereby rejected. However, in the event of surrender of the petitioner within four weeks from today, the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

8. As far as petitioner No.2 is concerned, there is nothing against petitioner No.2 save and except that he is involved in conspiracy, let petitioner No.2 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur, in



connection with Mahua P.S. Case No. 745 of 2024, subject to
the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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