

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22839 of 2025

Arising Out of PS. Case No.-702 Year-2024 Thana- SONEPUR District- Saran

Vivek Kumar @ Vivek Kumar Singh S/o Late Chandeshwar Singh @
Chandeshwar Prasad Singh R/o Vill- Kalyanpur Shikarpur, PS- Sonapur,
DIST- Saran at Chapra

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Priyabrat s/o-Balmiki Singh R/O-vill-Pohiyar@rasulpur wahid p.s- Desari
Sahdeyee Dist- vaishali

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 23330 of 2025

Arising Out of PS. Case No.-702 Year-2024 Thana- SONEPUR District- Saran

Mahesh Kumar Srivastava S/o Late Ram Prasad Shrivastav R/o Mohalla-
Dahiyawan Tola, Ward No. 18, P.S.- Chapra Town, District- Saran at Chapra
(Bihar)

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Priyabart S/o - Valmiki Singh, R/V - Pohiyar at Rasulpur Wahid , P.S. -
Desari Sahdeyee O.P, District - Vaishali at Hajipur

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 22839 of 2025)
For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the State : Ms. Gulnar Begum, APP
For the Informant : Mr. Vasant Vikas, Advocate
(In CRIMINAL MISCELLANEOUS No. 23330 of 2025)
For the State : Ms. Gulnar Begum, APP
For the Informant : Mr. Vasant Vikas, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

- 5 16-12-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.
- 2. At the outset, learned counsel for the petitioners

submit that he shall not be pressing the application of Mukesh Kumar Srivastava, petitioner in Cr. Misc. No. 23330 of 2025.

3. In view of such submission, the bail application of Mukesh Kumar Srivastava is dismissed as withdrawn. It is expected that the learned Court below shall without any prejudice of the withdrawal of the bail application pass an appropriate order on the same day in the event of his surrender.

4. The present bail application now only survives for the petitioner Vivek Kumar @ Vivek Kumar Singh in Cr. Misc No. 22839 of 2025.

5. Petitioner apprehends his arrest in connection with Sonapur P.S. Case No. 702 of 2024 registered for the offences under Sections 316(2), 316(5), 319(2), 318(4), 338, 336(3), 61(2) and 3(5) of the B.N.S., 2023.

6. The prosecution case is to the effect that the informant has alleged that the co-accused Sunil Kumar Ray got some person impersonating the informant and got forged sale deed executed and subsequently executed the sale deed of the said land in favour of another person. It has been alleged that the petitioner and others were in conspiracy in getting the said land executed in favour of the said Sunil Kumar Ray and subsequently to Abaid Hussain.

7. Learned counsel for the petitioner submits that as far as the petitioner Vivek Kumar is concerned he has been a witness to the sale deed and no role can be assigned in the case of conspiracy or fraud. It has been submitted that even from the averments made in the F.I.R, it would be evident that the petitioner has not been singled out as being in connivance, rather there is a general and omnibus allegation against the petitioner of being hand in gloves with the accused Sunil Kumar Ray. It has been stated that the petitioner is not a beneficiary of the said transaction and he has one criminal case against his name.

8. Learned counsel for the informant as well as the learned APP for the State have vehemently opposed the prayer for bail and submitted that it is a case of impersonation and the petitioner being witness to the sale deed is also a party to the same and should not be released on bail.

9. Considering the aforesaid submissions and taking into account that the present petitioner namely, Vivek Kumar @ Vivek Kumar Singh was only a witness to the execution of sale deed, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing

bail bonds of Rs.10,000/-(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 Sonapur P.S. Case No. 702 of 2024 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below

shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. Accordingly, the present application stands disposed of.

11. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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