

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26697 of 2025

Arising Out of PS. Case No.-1883 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Mahendra Prasad Singh S/o Late Bindeshwar Singh R/o Vill.- Mathurapur, P.S.-Guraru, Distt.- Gaya
 2. Gangeshwar Kumar @ Gangeshar Kumar S/o Akal Paswan R/o Vill.- Mathurapur, P.S.-Guraru, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudhir Kumar S/o Janardhan Singh R/o Vill.- Mathurapur, P.S.-Guraru, Distt.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-05-2025 Heard the learned Advocate for the petitioners and the
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 1883 of 2023, registered for the offences punishable under Sections 420, 467, 468, 323, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, the accused persons in collusion with each other by making a forged and fabricated memorandum of partition and genealogical table sold 48 decimals of land of different Khata and Khesra of the complainant. It is specifically alleged that the petitioner no. 2 being Sarpanch of the Panchayat



certified the schedule and petitioner no. 1 put his signature as one of the witness on the fabricated memorandum of partition with connivance with accused Janardhan Singh.

4. Learned Advocate for the petitioners contended that the petitioners have no concern with the family affairs of the complainant neither he is shareholder of the land nor executed the sale deed. In fact, being a Sarpanch, he has put his signature in the genealogical table, after verification of the same. If any wrong has happened, the complainant shall be at liberty to file cancellation for the same. It is further contended that the complainant and Janardhan Singh are co-sharer and they have already pursuing their remedy in Partition Suit No. 39 of 2022, which is pending before the Court of Sub-Judge-I, Gaya. The petitioners are having fair antecedent and they undertake that they will fully co-operate in the proceeding of the Court.

5. On the other hand, learned counsel for the State and the informant opposed the pre-arrest bail application and submits that because of the conduct of the petitioners and preparation of forged and fabricated genealogical table, the co-accused persons became embolden and sold the share of the complainant's land without partition and by this way caused serious prejudice to his right and entitlement.



6. Regard being had to the submissions made on behalf of the parties and considering the role of the petitioner nos. 1 & 2 being Sarpanch of the village Panchayat and putting his signature on the memorandum, coupled with the fact that the case predominantly appears to be civil in nature and there is already a partition suit between the co-sharer, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-III, Gaya in connection with Complaint Case No. 1883 of 2023, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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