

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30528 of 2025

Arising Out of PS. Case No.-259 Year-2023 Thana- GOVINDGANJ District- East
Champaran

Kunal Pandey @ Sanu Pandey @ Santu Pandey S/O Jayprakash Pandey R/O
Village- Hardiya, Ward No.-05, P.S- Areraj O.P. (Govindganj), Distt.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2025 Heard Mr. Abhishek Kumar, learned counsel for the
petitioner and Mr. Md. Aslam Ansari, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Govindganj (Areraj) P.S. Case No. 259 of 2023, G.R. Case No. 2687 of 2023, F.I.R. dated 05.05.2023 registered for the offences punishable under Sections 406, 420, 467, 468, 471, 504, 506, 120(B), 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he has executed the sale deed by doing forgery under the conspiracy.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the



F.I.R. that the petitioner is not the beneficiary of the land in question and he is only the witness of the sale deed in question and it appears from the F.I.R. itself that the date of occurrence as alleged in the F.I.R. is 11.04.2023 but the present F.I.R. was instituted on 05.05.2023 after delay of 23 days without giving any explanation of delay and apart from that co-accused person namely Gopi Nath Sah @ Gopi Nath Pandey against whom the similar allegation that he has executed the sale deed in favour of Nitish Kumar Sharma has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 26.06.2024 passed in Cr. Misc. No. 22262 of 2024.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and co-accused person has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court, petitioner is the only witness of the sale deed in question, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Govindganj (Areraj) P.S. Case No. 259 of 2023,



G.R. Case No. 2687 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the 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.

(Rajesh Kumar Verma, J)

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