

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73713 of 2024

Arising Out of PS. Case No.-373 Year-2021 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Raja Kumar @ Raja Kumar Sah Son of Late Nathuni Sah, Resident of
Village- Shahdullahpur, P.S.- Lalganj, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar.
2. Bihari Sah Son of Late Ramlal Sah, R/o Village.- Shahdullahpur, P.S.-
Lalganj, Dist.- Vaishali.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Shyameshwar Kumar Singh, the learned

counsel for the petitioner, the learned counsel for the

complainant and Mr. Jai Narain Thakur, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Complaint Case No. 373 of 2021, registered for

the offences punishable under Sections 467, 468, 471, 419, 418,

420 and 420(B) read with Section 34 of the Indian Penal Code.

However, the learned trial Court has taken cognizance under

Section 420 and 465 of the Indian Penal Code only.

3. According to the prosecution case, the co-accused

persons in order to grab the property of the complainant have



filed a Mutation Case No. 588 of 2020 after showing a forged partition.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that complainant has filed on Mutation Appeal No. 134 of 2020-21 before the learned Court of Deputy Collector, which was dismissed on 28.10.2021. Thereafter, the complainant again filed one Revision Case No. 388 of 2022 before the learned Court of Additional Collector against the order dated 28.10.2021, which is still pending for consideration. Apart from that, the complainant has also filed one Title Suit No. 587 of 2020 with respect to the same land in question.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on



anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Vaishali at Hajipur, where the case is pending in connection with **Complaint Case No. 373 of 2021**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

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

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

(iii). And further condition that the learned trial Court 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 learned trial Court 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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