

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74444 of 2024

Arising Out of PS. Case No.-300 Year-2023 Thana- JOGBANI District- Araria

1. Bidyanath Singh @ Baijnath Singh Son of Late Ramanad Singh @ Shyamsundar Singh Resident of Village - Shankarpur, Ward No. 4, P.S. - Bhargama, District - Araria
2. Shankar Singh Son of Late Ramanad Singh @ Shyamsundar Singh Resident of Village - Shankarpur, Ward No. 4, P.S. - Bhargama, District - Araria
3. Shambhu Singh Son of Late Ramanad Singh @ Shyamsundar Singh Resident of Village - Shankarpur, Ward No. 4, P.S. - Bhargama, District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md Zahangir, aged 35 years s/o Late Rakim R/O Fenagarh, ward no.10 panchayat- Bathnaha, p.s.-Jogbani(Bathnaha) Dist.-Araria

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 31-01-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Jogbani (Bathnaha) P.S. Case No. 300 of 2023 registered for the offences punishable under Sections 467, 468, 471, 420, 120(B) & 34 of the Indian Penal Code.

3. Prosecution case in short is that on November 24, 2023, the informant visited his field, when accused Md. Ghotan and Md. Soyab and others claimed ownership and when he



asked for proof, they presented a photocopy of a sale deed. Upon verification, the informant found that by sale deed No. 7255, 92.5 decimals of land was fraudulently transferred to Md. Soyab, while the actual owners were petitioners, namely, Baijnath Singh, Shambhu Singh and Shankar Singh. A call to Baijnath Singh on November 29, 2023, was disconnected. The informant alleges that the accused forged the sale deed using fake registry office stamps.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. Petitioners have no concern with the alleged land in question. Learned counsel submits that the present FIR has been filed maliciously to give a purely civil dispute a criminal colour. A bare perusal of the FIR, is sufficient to reveal that the dispute is of a civil nature and resorting to criminal justice system to settle the same is gross abuse and misuse of law. Petitioners bear no criminal antecedent.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the rival submissions made by the



learned counsel for the parties, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees 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 Jogbani (Bathnaha) P.S. Case No. 300 of 2023, subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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