

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77427 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- AGIAON District- Bhojpur

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1. Suresh Prasad Son of Shiv Das Prasad Resident of Vill- Dalippur, P.S.- Dhangai, District- Bhojpur
 2. Bindeshwar Pandit Son of Late Baiju Pandit Resident of Vill- Kurkuri, P.S.- Agiaon (Garhani), District- Bhojpur
 3. Rahul Kumar Son of Rajesh Gupta Resident of Vill- Kurkuri, P.S.- Agiaon (Garhani), District- Bhojpur
 4. Dinesh Kumar Singh @ Dinesh Singh Son of Ram Keshwar Singh Resident of Vill- Kurkuri, P.S.- Agiaon (Garhani), District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Vishnu Shankar Singh S/o Late Ambika Singh R/o village- Bhairo Tola, P.S.- Chandi, District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md Ataul Haque, Adv.
For the Opposite Party/s	:	Mr. M K Nirala, APP
For the Informant	:	Mr. Gopal Krishna, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-03-2025 Heard the learned Advocate for the petitioners, learned Advocate for the informant and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Agiaon (G) P.S. Case No. 147 of 2024, registered for the offences punishable under Sections 319(2), 318(4), 338, 336(3), 340(2) and 3(5) of the B.NS. Act.

3. It is alleged that the petitioners in collusion with each other by impersonating a fictitious person as informant got



the land of the informant executed in favour of the petitioner no. 4. The petitioner nos. 1 and 2 are said to be witness to the sale deed whereas, the petitioner no. 3 is said to be an identifier. The petitioner no. 4 is the person, in whose favour, the land is said to have been executed.

4. Learned Advocate for the petitioners contended that in fact the informant had executed a deed of agreement on 10.05.2022 for the sale of land and for which, the informant also took Rs. 20 lakhs and later on, despite the receipt of the money, when the informant not happily accepted to execute the *pakka* house situated over the land, some dispute has occurred, resulting into lodging of the present case. It is further contended that the informant has also instituted a title suit bearing Title Suit No. 610 of 2024, for cancellation of the sale deed, which is pending in the Court of Sub-Judge-1st, Bhojpur at Ara.

5. On the other hand, learned counsel for the State as well as the informant opposed the pre-arrest bail application and drawing the attention of this Court to the deed of agreement has contended that *prima facie* the agreement appears to be forged and fabricated, apart from the fact that it was executed on a non-judicial stamp, it contains forged and fabricated signature of the informant, as compared to his



signature from the First Information Report. The informant has completely denied the submission raised before this Court that at any point of time, he has received any consideration money and executed the sale deed

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the dispute is pending before the Civil Court of competent jurisdiction in Title Suit No. 610 of 2024, and the allegation and the counter allegation levelled by both the petitioners and the informant shall be tested in the trial, 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 A.C.J.M.- 8th Bhojpur at Ara, in connection with Agiaon (G) P.S. Case No. 147 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. 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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