

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49987 of 2015

Arising Out of PS.Case No. -68 Year- 2015 Thana -KATIHAR MUFFASIL District- KATIHAR

1. Manoj Kumar Singh S/o Ramchandra Singh, R/o Village - Sirsa, P.S. –
Katihar Muffasil, District - Katihar.
Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

with

Criminal Miscellaneous No.50888 of 2015

Arising Out of PS.Case No. -68 Year- 2015 Thana -KATIHAR MUFFASIL District- KATIHAR

1. Hari Charan Mahto Son of Late Shiv Shankar Mahto Resident of village
- Durga Mandir, Korha, P.S. Korha, District - Katihar Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

Appearance :

(In Cr.Misc. No.49987 of 2015)

For the Petitioner/s : Mr. Md. Aslam Ansari

For the Opposite Party/s : Mr. Shailendra Kumar No.2 (App)

(In Cr.Misc. No.50888 of 2015)

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Ram Anurag Singh (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-12-2015 Both the criminal miscellaneous applications are of the same occurrence and, as such, have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. representing the State.

The petitioners seek bail in connection with Katihar Muffasil P.S. Case No. 68 of 2015 registered for the offences punishable under Sections 420, 468, 471/34 of the Indian Penal

Code.

Co-accused Santosh Kumar Singh sold the property to the informant for consideration of Rs. 41,77,500/- and payment was made through cheque and cash and the petitioners have also received part amount of consideration but it revealed that the co-accused has already sold that property to other person and in this way, the informant was cheated by co-accused and the petitioners.

Submission is of false implication and that as a matter of fact, the earlier sale deed said to be executed by co-accused Santosh Kumar @ Santosh Kuamr Singh is fraudulent sale deed and prior to filing of this criminal case, Santosh Kumar Singh has filed Title Suit No. 169/15 on 19.05.2015 for cancellation of that sale deed and, as such, no offence was committed by the petitioners and co-accused in executing the sale deed in favour of the informant. Co-accused Santosh Kumar @ Santosh Kumar Singh has already been allowed bail vide order dated 14.12.2015 passed in Cri. Misc. No. 55577 of 2015 by another co-ordinate Bench of this Court and, as such, the petitioners who are suffering in custody since 16.08.2015 and 18.08.2015, deserve sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the

petitioner Manoj Kumar Singh has received Rs. 7,00,000/- and petitioner Hari Charan Mahto has received Rs. 1,00,000/- on behalf of Santosh Kumar @ Santosh Kumar Singh.

In the facts and circumstances stated above, considering that vendor Santosh Kumar @ Santosh Kumar Singh has already filed title suit for cancellation of earlier sale deed and, as such, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Katihar arising out of Katihar Muffasil P.S. Case No. 68 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

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(Jitendra Mohan Sharma, J)