

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24097 of 2016

Arising out of PS.Case No. -266 Year- 2015 Thana -BIHTA District- PATNA

=====

Alok Gunjan, son of Ram Uddeshya Lal, resident of Mohalla- Purvi Mahavir Colony, P.S. Beur, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate.
Mr. Rakesh Kumar Sharma, Advocate.
Mr. Laxmi Kant Sharma, Advocate.
For the State : Mr. Bhanu Pratap Singh, A.P.P.
For the informant : Mr. Rashid Zafa, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 08-06-2016

Heard learned counsel for the petitioner, learned A.P.P.

for the State and learned counsel for the informant.

The petitioner seeks regular bail in Bihta P.S. Case No. 266 of 2015 dated 11.04.2015 instituted under Sections 406,420, 467, 468, 471 and 120B of the Indian Penal Code.

The allegation against the petitioner is that he was one of the witnesses along with three others on the money receipt dated 27.09.2014, which was accepted by one Sudarshan Prasad Mehta and also on the agreement for sale of land purportedly belonging to Sudarshan Prasad Mehta, who had died in the year 2003 itself.

Learned counsel for the petitioner submits that he is the brother of an employee working for the informant and in that



capacity, in good faith he became a witness along with three others at the time when money was being given by the informant to the so-called Sudarshan Prasad Mehta on 27.09.2014 and also on the agreement. It is submitted that the petitioner was not at all aware of either the identity or the facts involved and agreement arrived at between the parties. It would be apparent from the initial fardbeyan of the case itself dated 11.04.2015 in which the petitioner has not been made accused and only three persons, who were actually involved in persuading the informant to get into the land detail, are named accused with one unknown and only later on after four months, it appears that the informant suddenly became wiser and now has shifted the entire blame upon the petitioner alleging that he was the person who had introduced her with the other three persons, who allegedly committed fraud with the informant. Learned counsel submits that this very factual aspect not being mentioned in the original fardbeyan of the case and only later on by way of a petition before the City Superintendent of Police (West), Patna, after four months, clearly indicates the *mala fide* and false implication. Learned counsel submits that the informant was working as a team leader under the Bihar Health Society, Patna and due to differences with the Executive Director of the Society, the informant has resigned and wanted to institute proceeding against the Executive Director in which

the sister of the petitioner was asked to be a witness and upon refusal, this false implication after four months of lodging of the initial F.I.R. It is submitted that the petitioner, having clean antecedent, is in custody since 22.03.2016.

Learned A.P.P. and learned counsel for the informant oppose the prayer for bail and submit that the petitioner being a witness on the money receipt as well as agreement cannot be absolved of responsibility and thus is required to compensate the informant.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Danapur, Patna in Bihta P.S. Case No. 266 of 2015; subject to the condition that the petitioner shall cooperate in the trial and failure to do so shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

Sujit/Ravi

U		T	
---	--	---	--