

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43094 of 2017

Arising Out of PS.Case No. -44 Year- 2017 Thana -CHANDAN District- BANKA

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1. Shambhu Yadav @ Shambhu Pd. Yadav s/o Sri. Baleshwar Mahto, R/v Kasai, P.S. Chandan, Distt. Banka
2. Shailendra Yadav, S/o Late RAmeshwar Yadav, R/v Bhanra, P.S. Chandan, Distt. Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakand Sharma, Sr. Adv.
Mr. Ajay Mukherjee, Adv.

For the Informant : Mr. Nagendra Kr. Singh, Adv.
Mr. Chananjay Kumar Pandey, Adv.
Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dr. Indihar Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since 17.07.2017 and 23.07.2017 in connection with Chandan P.S. Case No. 44 of 2017 for offences punishable under Sections 467, 468, 471, 420, 406/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that Baleshwar Mahto, father of the petitioner no. 1 has sold the piece of land to the informant and his wife on a consideration amount of Rs. 29,57,925 but later on after inspection by the Circle Officer and Halka Karmchari, the ownership was not found in the



name of father of the petitioner no. 1. It is alleged that the entire money was given to the petitioner no. 1, son of Baleshwar Mahto, and the petitioner no. 2 is the witness of the sale deed.

It has been submitted by the learned counsel for the petitioners that they are innocent, and petitioner no. 2 does not have any criminal antecedent. He submits that the matter relates to a civil dispute. The deed was executed between the petitioner's father and the informant. He submits that the inspection and the enquiry report by the Circle Officer vide letter no. 301 dated 29.05.2017, which is part of the case diary, does not indicate as to what was the fraudulence committed by the petitioner. He submits that petitioner no. 2 is only the witness to the sale deed and petitioner no. 1 is the son of the vendor.

However, learned counsel for the informant submits that the petitioner no. 1 is a habitual offender and is involved in a number of cases of similar nature. In fact, the informant was a retired person who had put in all his money and the land was not found registered in the name of the father of petitioner no. 1 as enquired by the Circle Officer.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the



materials on record, since the petitioners were not signatory to the registered deed and that the matter relates to a civil dispute, let petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Chandan P.S. Case No. 44 of 2017 subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station/Court, who will file an affidavit stating his relationship with the petitioners and that petitioners will appear before the learned court below during trial on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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