

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14192 of 2020

Arising Out of PS. Case No.-542 Year-2019 Thana- SUPAUL District- Supaul

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Girijanand Mishra @ Gopal Mishra, male, aged about 49 years, Son of Late Markanday Mishra Resident of Village - Solhani Sukhpur, P.S. - Supaul, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Veena Kumari Jaiswal, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-03-2020

The petitioner, who is in custody since 22.11.2019, seeks bail in connection with Supaul P.S. Case No. 542/2019, dated 09.02.2019, instituted for the offence under Sections 420, 467, 468 and 471 of the Indian Penal Code.

It appears from the F.I.R. that the petitioner is the vendor of the land which was found to have been unauthorizedly conveyed to the informant. The reason for the informant to say so is that when she had gone for getting her land mutated, she was made to understand that the land belongs to somebody else.

Mr. Upendra Prasad, learned advocate for the petitioner submits that there is no dispute with respect



to the ownership of and possession of land by the petitioner. The plot in question had been purchased by his grandfather and till date, the mutation of the land is in the name of his ancestor. Merely because the land has not been mutated in the name of the petitioner/vendor, the offences alleged in the F.I.R. cannot be said to have been made out. He further submits that even from a plain reading of the F.I.R., it would appear that the informant wants her money back as the deal does not appear to be beneficial for her. This could be one of the intentions for lodging the F.I.R.

Considering this aspect of the matter and the period of custody of the petitioner in the present case, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Supaul in connection with Supaul P.S. Case No. 542/2019.

The application stands allowed.

(Ashutosh Kumar, J)

GAURAV S./-
skm/-

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