

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.29188 of 2020**

Arising Out of PS. Case No.-714 Year-2019 Thana- CHAPRA TOWN District- Saran

RANJIT RAY @ RANJIT KUMAR YADAV Son of Raghuvir Ray @  
Raghuvir Yadav Resident of Village - Purbari Rauja @ Purvi Rauja, P.S.-  
Chapra, District - Saran at Chapra - 841301.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suryanath Singh Son of Late Shivpujan Singh Resident of Village -  
Shivnagri Rauja, P.S.- Chapra Town, District - Saran at Chapra

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Jeetendra Narayan, Adv.

For the Opposite Party/s : Mr.Balmukund Prasad Sinha, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      11-11-2020                      Learned counsel for the petitioner undertakes to  
remove the defects, if any, within four weeks after start of  
normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.  
Balmukund Prasad Sinha, learned APP for the State.

The petitioner in the present case is seeking regular  
bail in connection with Chapra Town P.S. Case No.714/2019  
registered for the offence under Sections 420, 467, 468, 471,  
504, 506 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that  
initially the opposite party no.2 had filed a complaint case in the  
court of learned Chief Judicial Magistrate at Chapra which has



been referred by the learned C.J.M., Chapra in exercise of his power under Section 156(3) Cr.P.C. to the police station giving rise to the present police case.

It is submitted that as per the allegations in the complaint petition giving rise to the present F.I.R. the complainant alleges that his co-sharer Bimla Devi had an intention to cheat the complainant and for this purpose she had entered into a conspiracy with her sons and in order to execute her intention she had executed sale deeds in favour of accused nos.3, 4 and 5 as named in the complaint petition. The present petitioner is accused no.3 and it is alleged that he had also got a sale deed for two kathas of land. It is alleged that when the complainant enquired about the execution of the sale deed by said Bimla Devi in favour of the other accused persons, they abused the complainant and threatened him to file a case. The petitioner has been described as a land '*Mafia*' in the complaint case. However, learned counsel for the petitioner submits that this petitioner is a bonafide purchaser of the land and it would appear that in the two cases mentioned in paragraph '3' of the present application the petitioner has been granted bail whereas in another case being Chapra Town P.S. Case No.244/2019 again he is on bail though it has not been specifically mentioned



in the petition, but the same is mentioned in the impugned order and learned counsel for the petitioner undertakes to place an affidavit in this regard in the court below at the time of submission of the bail bonds.

Mr. Balmukund Prasad Sinha, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is also his submission that though in a police case informant is not a necessary party but in the facts of the present case the informant may also be noticed.

Learned counsel for the petitioner submits that he has impleaded the informant opposite party no.2 but according to him this being a pure and simple civil dispute, for purpose of consideration of bail of the petitioner in a police case, the informant is not a necessary party and hence there is no need to issue notice.

It is also his submission that the petitioner is in jail in this case since 28.04.2020 and given the nature of the allegation he deserves bail.

Having heard learned counsel for the petitioner as well as learned APP for the State, this Court has noticed that the only allegation against the petitioner is that he had got a sale deed in respect of a piece of land measuring area two kathas



from Bimla Devi who is co-sharer of the informant. The thrust of the allegations are against the co-sharers and the informant is claiming that the land belongs to him while her co-sharer Bimla Devi has entered into a conspiracy with her sons and sold the piece of land to accused nos.3, 4 and 5. The accused no.3-present petitioner is the purchaser of land for consideration as it appears from the sale deed (Annexure-2). He is in jail since 28.04.2020 and in the nature of the present case, this Court finds no reason to issue notice to the informant.

Let the petitioner abovenamed be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S. Case No.714 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

Learned counsel for the petitioner shall file an affidavit in the court below while submitting bail bonds in respect of his being on bail in Chapra Town P.S. Case No.244 of 2019.

This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

