

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16344 of 2021**

Arising Out of PS. Case No.-505 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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RAVI KANT @ RAVI KANT PATHAK Son of Late Gauri Kant Pathak
Resident of Village - Muhalla - Sikandarpur, P.S.- Muzaffarpur (Town), Distt.-
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Manindra Kishore Singh, Advocate
For the Opposite Party/s : Mr. B.N. Pandey, APP

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

2 01-07-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. B.N.
Pandey, learned APP for the State who has assisted this Court on
request in absence of Mr. Rajendra Nath Jha, learned APP who has
been assigned with brief.

The petitioner in the present case is seeking regular bail in
connection with Town P.S. Case No. 505 of 2018 registered for the
offences punishable under Sections 406, 420, 467, 468, 471, 120(B),
323, 379 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that there was a
sale agreement between the parties for execution of a sale deed for
which money was paid but the sale deed was not executed by the



mother of the petitioner. It is alleged that the petitioner is the witness of the said agreement.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is only the witness of the said agreement between the parties and the sale deed was to be executed by the mother of the petitioner who has already been granted bail. It is purely a civil dispute. The petitioner is in custody since 14.12.2018 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner submits that the petitioner happens to be a witness only on the sale agreement which was executed by his mother in favour of the informant, admittedly the money was paid to the mother of the petitioner, the present petitioner has remained in jail for more than two and half years, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to be concluded in near future, in the circumstances this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Muzaffarpur in connection with Town P.S. Case No. 505 of 2018, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(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'.

