

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26394 of 2021

Arising Out of PS. Case No.-235 Year-2020 Thana- BAIRIYA District- West Champaran

Amit Kumar @ Pintu Jaiswal Son of Late Nagendra Prasad Jaiswal Resident
of Village - Pakhanaha Bazar, Dumaria, P.S.- Bairiya, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Smt. Renuka Ratnakar A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 29-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Bairiya P.S. Case No. 235 of 2020, registered for the offence under Sections 420, 468, 471, 504, 506/34 of the Indian Penal Code.

As per the prosecution case, the petitioner executed a sale-deed on 06.02.2020 with respect to land measuring 8 Dhur (3 decimals) of informant, bearing Khata no. 283, Plot no. 35, in favour of one Gogli Khatoon without having any right to sale the land. It is further alleged that on 11.05.2020, the accused persons started demarcating the said land and when it was objected by the informant, he was threatened to kill.



It is submitted on behalf of petitioner that petitioner and informant are cousin brothers and no partition has taken place between them. In fact, the petitioner has sold his share of land. A proceeding under Section 144 Cr.P.C. is still pending. Moreover, the dispute comes under the purview of civil nature. Petitioner has got clean antecedent and he is in custody since 30.12.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as nature of allegation and period of custody, the bail petition of petitioner is allowed.

Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate – I, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 235 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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