

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27489 of 2020**

Arising Out of PS. Case No.-298 Year-2019 Thana- SHEKHPURA District- Sheikhpura

Rajesh Kumar, Son of Saryug Mahto, Resident Village- Jamalpur Bigha, P.S.  
and District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Devendra Prasad Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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

3      04-01-2021                      Heard learned counsel for the petitioner and Mr.  
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Sheikhpura P.S. Case No. 298 of 2019 registered for the offences punishable under Sections 420, 423, 467, 468, 471/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that according to the First Information Report the petitioner has executed a sale deed in respect of a land which is being claimed as ancestral land by the informant. Learned counsel submits that in fact it is the ancestral land of this petitioner, it was subject matter of a suit in between the father of the petitioner and the informant. The present informant lost the title suit against which he filed title appeal bearing T.A. No. 92 of 2019 which is



still pending before the Civil Court, Sheikhpura.

Learned counsel submits that in the given facts and circumstances of the case, it is an apparent case of the civil dispute between the parties.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail, considering the facts and circumstances of the case and the submission that in the title suit the father of the petitioner has succeeded whereas the informant lost and a title appeal is pending before the appellate court, this Court is inclined to grant anticipatory bail to the petitioner, let the petitioner above-named, in the event of his arrest or surrender within a period of four weeks from today in connection with Sheikhpura P.S. Case No. 298 of 2019, shall be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

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.

**(Rajeev Ranjan Prasad, J)**

vats/-

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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'

