

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26933 of 2020

Arising Out of PS. Case No.-264 Year-2016 Thana- MADHUBANI TOWN District-
Madhubani

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Amar Kumar Jha, Son of Late Baleshwar Jha, Resident of Village -
Madhopatti, P.S.- Kamtaul, District - Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gagandeo Yadav, Adv.
For the Opposite Party/s : Mr.Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 19-01-2021 Heard learned counsel for the petitioner and Mr.
Yogendra Kumar, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Madhubani Town P.S. Case
No.264/2016 registered for the offences punishable under
Sections 406, 420, 384 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. Learned counsel submits that the dispute between the
parties is of a purely civil nature and this petitioner had
purchased the land in question vide Annexure-2 to the present
application. It is submitted that the petitioner has no criminal
history and he has been dragged in this case without there being



any cogent material against him.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the dispute between the parties is of a purely civil nature, this petitioner had purchased the land in question vide Annexure-2 to the present application, he got mutation of the land in his favour after enquiry by the Anchaladhikari in the year 2007 and thereafter he is getting rent receipts showing payment of rent of the land in question and the informant has lost the case upto the appeal before the Bihar Land Tribunal, Patna, in the nature of the materials present before this Court and no other material being shown by learned APP for the State, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Madhubani Town P.S. Case No.264/2016 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhubani, 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. 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.

(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'.

