

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2396 of 2022**

Arising Out of PS. Case No.-87 Year-2021 Thana- MAHESHKHUNT District- Khagaria

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Arun Paswan S/o Late Hisabi Paswan @ Hitabi Paswan R/o village-
Madarpur, P.S.- Maheshkhunt, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Pd., Advocate
For the Informant	:	Mr. Yogesh Kumar, Advocate
For the State	:	Mr. Yogendra Pd. APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Maheshkhunt P.S. Case No. 87 of 2021 registered for the
offence under Sections 406, 420, 504, 506 and 34 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in



custody since 06.09.2021.

The allegation against the petitioner is to participate in the sell and purchase of piece of land in connivance with co-accused, namely, Neeraj Pandit.

Learned counsel appearing on behalf of the petitioner submitted that the role of the petitioner is only to sign, as a witness, the sale deed, involved in the transaction of alleged land. Admittedly, the land does not belongs to the petitioner and only for involvement in four other criminal cases, in which he is on bail, petitioner has been falsely implicated in the present case. It is further submitted that all the four cases, lodged against the petitioner, is of the year 1998-1999 and since last so many years, petitioner is not found involved in any criminal case except the present case. It is submitted that dispute between the parties is purely of civil nature. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded that the disputed piece of land does not belongs to the petitioner.

Considering the facts and circumstances as mentioned



above, as the dispute is purely of civil nature, where the disputed land does not belongs to the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Maheshkhunt P.S. Case No. 87 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by



the documents.

(iii) That one of the bailors shall be Swati Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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