

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14957 of 2022

Arising Out of PS. Case No.-1000 Year-2021 Thana- BANKA District- Banka

GANESH MANDAL, Son of Late Govind Mandal Resident of Village-
Parariya, Police Station- Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Banka P.S. Case No. 1000 of 2021, for the offence punishable
under Sections 420, 467, 468, 471 and 120(B) of the Indian
Penal Code.

As per allegation made in the F.I.R., the petitioner
along with his brother by giving incorrect pedigree to grab the
land of the informant, who is daughter of Late Jagan Mandal.

Learned counsel appearing on behalf of the petitioner
submits that the Late Jagan Mandal and Govind Mandal (Father
of petitioner) were own brother. The petitioner has not
committed any forgery, rather, for the purpose of getting his



land transferred in their own name, the pedigree was prepared by the Sarpanch of the Gram Kutchari, Bahera. It is further submitted on behalf of the petitioner that since the petitioner was in physical possession of the land, therefore, rent receipts were issued in his favour. The informant, after getting her marriage, was not in physical possession of the land. It is well settled that rent receipt and entry in Khatihan is not document of title. The petitioner has made his statement in paragraph No. 12 of the bail application that to establish the case Title Suit No. 222 of 2021 is pending before the learned Sub-Judge, Banka. He further submits that from perusal of the record it appears that dispute is relates to civil in nature and petitioner has remained in custody since 27.12.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that by producing incorrect pedigree, the petitioner not mentioned the name of informant, who is coparcener as per recent amendment made in the Hindu Law and as such the petitioner does not deserve to be release on bail.

Considering the nature of allegation made in the F.I.R. the matter primarily relates to civil dispute and in this regard Title Suit No. 222 of 2021 is pending before the court below.



The petitioner has remained in custody since 27.12.2021. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 1000 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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