

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23778 of 2022**

Arising Out of PS. Case No.-552 Year-2021 Thana- SIRDALA District- Nawada

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JAGARNATH PRASAD @ JAIRAM PRASAD Son of Lachha Prasad @  
Lachho Prasad @ Laksho Prasad Resident of Village - Dhiraundh Tola  
Nawabganj, Police Station - Sirdala, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Birendra Kumar, Advocate |
|                          |   | Mr. Kumud Kishor, Advocate   |
| For the Opposite Party/s | : | Dr. Ajeet Kumar, APP         |
| For the Informant        | : | Mr. Saket Tiwari, Advocate   |

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      13-09-2022                      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 Sirdala  
P.S. Case No. 552 of 2021 registered for the offence under  
Sections 420, 467, 468, 471 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 15.02.2022.

The allegation against the petitioner is to purchase a  
land as per description mention in written complaint/FIR, from  
co-accused, namely, Kailash Prasad, through a document,



alleged to be forged.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is a bona-fide purchaser as he purchased the alleged piece of land through registered sale deed against a consideration of Rs. 4,15,000/- (Rupees Four Lac and Fifteen Thousand Only). It is also submitted that the petitioner himself is a victim of circumstances. It is categorically submitted that as the name of the petitioner appears as witness in sale deed, he has been arrayed as an accused in Sirdala P.S. Case Nos. 589 and 590 of 2021, where, admittedly, petitioner is not a beneficiary. It is also submitted that dispute is purely civil in nature, where, this petitioner is in custody since last 6-7 months. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

It is further submitted by learned counsel for the petitioner that case numbers, which is shown as criminal antecedents of this petitioner, as reflecting in order of learned Additional Sessions Judge, XII, Nawada is incorrect, rather same be read as Sirdala P.S. Case No. 589 of 2021 and Sirdala P.S. Case No. 590 of 2021. This correction is available on



record, as brought through supplementary affidavit, and not opposed by learned counsel appearing on behalf of informant.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that petitioner is in habit to commit similar offences, as alleged for the present.

Considering the facts and circumstances as mentioned above, as petitioner appears to be purchaser of the land coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sirdala P.S. Case No. 552 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 A.C.J.M.-1st, Nawada/concerned court, subject to the following conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State/informant 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.

(ii) That one of the bailors shall be deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

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