

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25780 of 2022

Arising Out of PS. Case No.-185 Year-2019 Thana- TARAPUR District- Munger

Kailash Jha, Son of Late Mewalal Jha Resident of Village - Teghada, P.S.-
Haweli Khadagpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2022 Heard Mr.Yugal Kishore, learned counsel for the
petitioner and the learned APP for the State.

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

The petitioner is in judicial custody in connection
with Tarapur P.S. No.185 of 2019 instituted under Sections
419,420,467,468,471/34 of the Indian Penal Code.

As per the FIR, the informant alleged that her nephew
gave her information that her land situated at Mauja Prabhara
having Khata No.83, Khesra No.1243, Area 40 decimal has
been sold to Tankun Singh and upon such information the
informant wrote letter to Sub-Registrar of Tarapur. It is alleged
that on 26.11.2019, Sub-Registrar told her that he has stopped
screening of the document and he told her to make compromise
and also told her to re-transfer the same land from purchaser to



her name. It has been further alleged that the forged seller has used her false voter I-card and also told that her name does not stand at voter list of Padbhara village rather the same is at Bokaro. It is further alleged that the purchaser in connivance with the petitioner and officer of the Sub-Registry illegally executed the same. The further allegation is that Tankun Singh had forged and got registered deed in his name and for which a criminal case was lodged. It is further alleged that involvement of Sub-Registrar cannot be ruled out as he use to force her to compromise with Tankun Singh.

Learned counsel for the petitioner submits that he is a '*Katib*' in the Sub-Registry Office and he only has to prepare a document and submit it to the parties and he has no further role to play in the matter. He further submits that whatever was done was in good faith and there was no connivance, knowledge about the fact the alleged fraud is being committed in the matter. He further submits that through the said act, the petitioner in no way has profited save and except the fee that he got as a deed writer. He lastly submits that he is in custody since 30.06.2021 and some of the similarly placed co-accused namely Sunita Devi who appeared as an impostor has since been released on bail vide Cr. Misc. No.46897 of 2021 as also Tankun Singh @



Kakku Singh in whose favour the land was transferred vide Cr. Misc. No.53411 of 2021, both dated 26.04.2022 and one Pradeep Singh who appeared as a witness vide Cr. Misc. No.43700 of 2021 on 04.02.2022.

Considering the aforesaid fact that the petitioner is deed writer and not the beneficiary of the land, he is in custody since 30.06.2021, charge-sheet stands submitted and the other accused in the said case namely Sunita Devi, Tankun Singh @ Kakku Singh and Pradeep Singh have since been enlarged on bail by co-ordinate Benches, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Tarapur P.S. No.185 of 2019 to the satisfaction of learned A.C.J.M., Ist, Munger, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his



bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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