

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27119 of 2022**

Arising Out of PS. Case No.-187 Year-2012 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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ANIL KUMAR MISHRA Son of Late Ram Laxman Mishra @ Late Ram
Lachhan Mishra Resident of Village - Dhiran Chhapra, P.s.- Bela, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Sadar P.S. Case No. 187 of 2012 for the offences under
Sections 406, 420, 467, 468, 476, 324, 307 and 504 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in brief is that the informant has
filed a complaint bearing Complaint Case No. 1684 of 2012
registered under Sections 406, 420, 467, 468, 476, 324, 307 and
504 of the Indian Penal Code read with Section 27 of the Arms
Act before the Chief Judicial Magistrate, Muzaffarpur alleging



therein that the informant was in need of land. The accused persons showed papers of land to informant, explained description and assured that they were ready to execute the sale deed after taking consideration amount. The informant trusted upon accused persons and became ready to purchase the shown land through sale deed.

It is further alleged that on 28.03.2011, paper was prepared, sale deed was accordingly executed on 29.03.2011 after taking fixed consideration money through cheque and cash. However, when the informant went to take possession of land, the original land owner ousted the informant saying that he has not sold the land to anyone. When informant sought clarification from accused persons, they abused him. He as such alleged that putting forward imposter, he has been duped of amount.

Learned Counsel for the petitioner submits that a bare perusal of the entire materials on record shows that nowhere name of the petitioner has come up. He has been wrongly implicated in this case inasmuch as he has neither been alleged to be the persons who received money or executed that deed or became a witness of the said deed and/or was the deed writer. He further submits that it is undertaking on his behalf that if it is



found that he had played any role in the alleged transaction and/or during execution of sale deed either in the complaint/FIR or during the investigation, the bail granted to the petitioner shall become infructuous.

Learned APP for the State having gone through the petition averred that name of the petitioner is not mentioned in the petition.

Taking into account the aforesaid facts as also the undertaking given by the learned counsel that the role of the petitioner has nowhere been inscribed during the investigation in the case, this Court is inclined to grant him the privilege of bail in the backdrop of the fact that he is in custody since 22.02.2022 (as stated in paragraph-11 of the bail application.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. CaseNo. 187 of 2012, subject to the 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 his cancellation of bail by the Trial Court itself;

(iii) he 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;

(iv) the petitioner shall desist from committing any criminal offence again 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)

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