

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31444 of 2022

Arising Out of PS. Case No.-830 Year-2021 Thana- NAGAR District- Vaishali

Dev Shankar Paswan Son of Jhagru Paswan Resident of Village-Nainha, P.S.-
Hajipur Sadar, District-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Advocate.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-08-2022 The learned counsel for the petitioner is directed to re-
move all the defects pointed out by the Stamp Reporter within one
month.

Mr. Vasant Vikash, learned counsel for the petitioner
and Mr. Suresh Prasad Singh, learned APP for the State are present
and they are heard.

Petitioner seeks regular bail in connection with Hajipur
Town P.S. case no. 830 of 2021 registered for the offences punish-
able under Sections 166(A), 420, 467, 468, 120(B) of the Indian
Penal Code.

As per the allegation, the informant's/complainant's
land was transferred by the accused persons through a forged sale
deed in which the petitioner played a role of identifier and the in-
formant is stated to be a rustic and widow woman and as per the



allegation the photograph of an other woman was affixed at the sale deed showing the same to be of the informant.

The main submissions advanced by Mr. Vasant Vikash, learned counsel for the petitioner are that the petitioner has clean antecedent and as per the FIR which is based on complaint the petitioner is not stated to be a beneficiary of the alleged transfer of land and against him there is a simple allegation of having identified a wrong woman in the place of informant, in actual petitioner is not resident of the informant's village. Further submission is that petitioner has been languishing in jail since 8.3.2022 and FIR of the present case was lodged after inordinate delay of seven months.

Mr. Suresh Prasad Singh, learned APP has opposed the prayer for bail.

In view of the the above submissions and considering petitioner's clean antecedent and custody period and mainly taking into account his role in the execution of the alleged sale deed in the opinion of this Court, the petitioner deserves to a lenient approach of this Court, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Hajipur Town P.S. case No. 830 of 2021 on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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