

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34412 of 2022

Arising Out of PS. Case No.-15 Year-2018 Thana- BHEJA District- Madhubani

Narayan Kumar Mahto, Son of Late Ram Sundar Mahto, Resident of Village -
Lahwan, P.S.- Bheja, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Jha Raman, Advocate

For the Opposite Party/s : Mrs.Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bheja P.S. Case No. 15 of 2018 registered for the alleged offences under Sections 406, 420 and 504 of the Indian Penal Code.

As per prosecution case, the informant entered into an agreement with the petitioner for selling two katha of land but got registered on sale deed ten katha of land without paying any consideration amount. When the petitioner did not make payment of any consideration amount and the Panchayati was



called, the petitioner refused to pay the consideration amount and further refused to return the land.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is apparent from the perusal of FIR that the date of occurrence is 10.02.2018 but the FIR has been registered on 13.03.2018 and the delay has not been explained. In fact the petitioner has purchased 10 katha land from the informant through sale deed after following due process of registration of the land and after paying the consideration money and this fact is clear from the sale deed dated 30.12.2016, wherein it has been clearly mentioned that after receiving the consideration money and understanding the contents of the sale deed the same was executed by the informant. The allegations are completely false and concocted against the petitioner. Moreover, the dispute is civil in nature. Petitioner is in custody since 22.03.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the civil nature of dispute along with the contents of the sale deed, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Jhanjharpur, Dist-Madhubani, in connection with Bheja P.S. Case No. 15 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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