

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38724 of 2022

Arising Out of PS. Case No.-46 Year-2019 Thana- PARASI District- Jehanabad

1. Mukesh Kumar Ojha, S/o Dudheshwar Ojha @ Dudheshwar Singh
2. Rajesh Kumar Singh @ Munna, S/o Rajnandan Singh
R/o village- Walidad, P.S.- Mehandia, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Advocate
Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-08-2022 Heard learned counsels for the petitioners and learned
APP for the State.

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 petitioners seek bail in connection with Parasi P.S. Case No. 46 of 2019, registered for the alleged offence under Sections 419, 420, 467, 468, 471, 120 (B) of the Indian Penal Code.

As per the prosecution case, the petitioners witnessed a sale deed executed by the co-accused in favour of the complainant/informant. But the informant could not get the possession of the said land and he alleged that the petitioners



and other co-accused persons refused to get him the possession of the land so purchased and also refused to return the money in alternative.

The learned counsel for the petitioners submits that it is clearly a civil dispute and role of the petitioners is limited to witnessing the deed and there is no other allegation against him. At best, the grievance of the informant could be against the seller and the petitioners, who have put their signature on the sale deed as witnesses, are not liable in any manner. The petitioners are in custody since 25.05.2022 and are having clean antecedents.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of allegation, which appears to be predominantly civil and period of custody of the petitioners, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal, in connection with Parasi P.S. Case No. 46 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :



(i) One of the bailors will be the close relative of the petitioners.

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

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

(Arun Kumar Jha, J)

V.K.Pandey/-

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