

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43254 of 2022

Arising Out of PS. Case No.-795 Year-2019 Thana- SAHAYAK NAGAR District- Katihar

Suresh Chandra Sah S/o- Late Surya Narayan Sah Resident of Village -
Pawai, P.S.- Kodha, District - Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mandal, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 420, 467,
468, 471 and 120(B) of the Indian Penal Code.

According to the prosecution case, accused
persons, namely, Surendra Chandra Sah and Shambhu Sah with
a conspiracy to each other executed a sale deed in favour of
accused persons, namely, Anwari Khaoon, Rebun Nisha and
Zeenat Khatoon in respect of 08 decimal and 03 kari land
bearing Khata No. 348.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is that the petitioner is with connivance of co-accused, namely, Shambhu Sah executed sale deeds in favour of the other co-accused persons. He further submits that the petitioner has not played any fraud with the informant and he has sold the land in question of his own share to the other co-accused person and the same was mutated in favour of the vendees by the learned Circle Officer. He further submits that the informant has filed the Mutation Appeal No. 500 of 2019-20 before the Court of learned L.R.D.C, Katihar and same is still pending for consideration. He further submits that the present case is purely civil nature and the case is pending before the competent authority.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Court below where the case is pending in connection with Nagar



(Sahayak) P.S. Case No. 795 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court 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 tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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