

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55028 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- GOPALPUR District- Bhagalpur

Rajpati Mandal S/o Late Basudeo Mandal Resident of Villagae- Masudanpur
Baisi, P.S.- Rangra O.P., Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandeep Jha, Advocate.
For the Informant	:	Mr. Sunil Kumar Singh, Advocate.
For the State	:	Mr. Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Sandeep Jha, learned counsel for the petitioner, Mr. Sunil Kumar Singh, learned counsel for the informant and Mr. Dilip Kumar No.1, learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Gopalpur (Rangra O.P.) P.S. Case No. 115 of 2022, for the offences punishable under Sections 420, 447, 467, 468, 471, 485, 504 and 506/34 of the Indian Penal Code.

The prosecution case is based on written report of the informant alleging therein that the informant's husband has two



brothers and this petitioner happens to be elder brother of her husband. It is alleged that both the brothers had purchased some land jointly, however, this petitioner fraudulently sold half portion of said purchased land showing his brother Suman Kumar Mandal @ Kare Mandal @ Karu Mandal as dead. It is further alleged that the petitioner has captured the share of informant's husband land and demanding ransom of Rs.5,00,000/- for leaving her husband's land share. It is further asserted that on 31.12.2021 at about 15:00 hours while the informant was in her house, the petitioner along with all the family members barged into the house and threaten her to leave the house with dire consequences.

Learned counsel appearing on behalf of the petitioner submits that so far the present case is concerned, prima facie even if the allegation taken to be true, no offence is made out, apart from the fact that from the FIR, it is evident that this case is predominately civil in nature. He further submits that though the alleged occurrence of threatening has taken place on 31.12.2021 but surprisingly, the FIR has been instituted on 04.03.2022 after a delay of three months. He next submits that the informant is non-else but the wife of his brother and she is instrumental in pressurizing the petitioner and his family



members only with a view to settle civil dispute between the parties. He lastly submits that the petitioner having fair antecedent, is in custody since 08.07.2022 and moreover, the investigation of the crime is already complete.

On the other hand learned counsel for the informant vehemently opposes the bail application and submits that the petitioner despite being elder brother of the husband of the informant trying to capture the entire land in a most illegal manner by giving threatening to the life of informant and her husband. He also submits that there is specific allegation of cheating and conspiracy against the petitioner and his release at this point of time would cause hamper in the trial.

Learned counsel for the State has also opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering materials available on record prima facie the matter appears to be predominately civil in nature and moreover the investigating of the crime is completed and the petitioner is in custody since 08.07.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate, Naugachia in connection with Gopalpur (Rangra O.P.) P.S. Case No. 115 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

