

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 60586 of 2022

Arising Out of PS. Case No.-209 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Puran Mahto Son of Late Keshwar Mahto
 2. Sidheshwar Mehta Son of Puran Mahto
Both Resident of Village-Dudhar, P.S.- Risiup, District- Aurangabad(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-12-2022 Heard learned counsel for the petitioners, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections
420,406,467,468,504,506/34 of IPC.

The prosecution case, in short, is that the informant
purchased the land in the name of his wife from the petitioners
vide sale deed Nos.5815 and 9300 dated 04.05.2018 and
13.07.2018 respectively and paid Rs. 3,25,000/- but the
petitioners were refusing to give possession over the said land to
the informant. Informant came to know that the aforesaid sale
deeds were fake and forged. On 03.02.2022, the informant sent



a legal notice to the petitioners for return the money given but no response was given nor the said amount was returned. Thus the petitioners cheated the informant and misappropriated Rs.3,25,000/-.

Learned counsel for the petitioners submits that petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that in fact the petitioner No.1 has executed two sale deeds in favour of the informant and his wife vide sale deed Nos.5815 dated 04.05.2018 and sale deed No. 9300 dated 13.06.2018 respectively without any objection and petitioner No.2 has been made accused in this case because he was witness of the aforesaid sale deeds and allegation as alleged in the FIR is that the petitioners have not given the physical possession to the informant on the land in question and the aforesaid sale deed has been executed in favour of the informant and his wife in the year 2018 and the present FIR has been instituted in the year 2022 after lapse of more than four years.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case,



let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Aurangabad Town P.S. Case No. 209 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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