

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1112 of 2022

Arising Out of PS. Case No.-307 Year-2019 Thana- BALIYA District- Begusarai

KUNDAN JHA Son of Sri Ram Padarath Jha Resident of Village-
Lakhminiya, P.S.- Balia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 406, 420, 467, 468, 120B
and 471/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 06.09.2021, charge-sheet has been
submitted and has antecedent of two cases.

The informant alleges that he has 7 Bigha, 4 Katha, 14
Dhur of land at Mauza Baliya pertaining to Khata No. 627
registered in the name of his father and mother having
Jamabandi No. 118, 117 and 3004. Further, alleges that on
28.07.2019, he received information that Ram Padarath Jha sold



his 10 Katha of land pertaining to Khesara No. 1077 fraudulently, accordingly, he obtained the sale deed no. 1031 executed in favour of Aarti Devi by Ram Padarath Jha on which Bedahi Devi, Paridi Jha and Kundan Jha (petitioner) signed as witness knowing that the land does not belong to them.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the land which is sold to Aarti Devi was his land which was in the name of his grand-father having Jamabandi No. 507 and the informant for reason best known to him instituted the present FIR. It is next submitted that admittedly the tenor of the allegation lead to a conclusion that the controversy involved is purely civil in nature and if the informant is really aggrieved by the sale deed then he has remedy of challenging the same before an appropriate forum for getting it. It is next submitted that Ram Padarath Jha has been granted bail by the learned court below by order dated 21.08.2019 in Baliya P.S. Case No. 307 of 2019. The order dated 21.08.2019 passed by the learned CJM, Begusarai is kept on the record. Learned counsel, thus, submits that when Ram Padarath Jha has been granted bail then the case of the petitioner is on a much better footing as he is merely a witness of the sale deed.



Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 06.09.2021, charge-sheet has been submitted and co-accused has been granted bail as aforesaid and the dispute being civil in nature, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Baliya P.S. Case No. 307 of 2019, subject to the condition that one of the bailors of the petitioner shall be father-in-law (Hrishi Kesh Mishra).

(Satyavrat Verma, J)

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