

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1456 of 2022**

Arising Out of PS. Case No.-46 Year-2019 Thana- MAHUA District- Vaishali

Chandan Kumar Son of - Bhola Mahto Resident of Village- Dighra Rampur  
Sah, P.S.- Sadar Muzaffarpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                                                                  |
|--------------------------|---|----------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Yatindra Narayan, Advocate<br>Mr. Vasant Vikas, Advocate<br>Mr. Abhishek Kumar Singh, Advocate<br>Mr. Pranoy Kumar, Advocate |
| For the Opposite Party/s | : | Mr. Yogendra Kumar Singh, APP                                                                                                    |
| For the Informant        | : | Mr. Shanti Bhushan Singh, Advocate                                                                                               |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

4      18-10-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Mahua P.S. Case No. 46 of 2019 registered for  
the alleged offences under Sections 420, 406 and 379 of the  
Indian Penal Code.

As per prosecution case, the petitioner cheated  
informant of Rs. 30 lakh which the informant paid to him from  
time to time for getting agency of a private company and the  
petitioner claimed himself to be the CNF Agent of the said



company.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is a victim of shrewd mind of the informant. The real story of the present occurrence is totally different from the prosecution version. Both the informant and the petitioner are known to each other from quite a long time. The petitioner was offered a piece of land having area of 1 Kattha for Rs. 20 lakh by the informant. The petitioner handed over Rs. 20 lakh to the informant on 23.12.2018 in good faith. Learned counsel further submits that in place of executing the sale deed, the informant has filed this false case. Hence, a notice has been sent to the informant on 01.03.2019. Charge sheet has been submitted in this case and the petitioner is in custody since 15.07.2021. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the claim and counter claim of the parties and predominantly civil nature of the dispute and also considering the period of custody of the petitioner along with submission of



charge sheet against him and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua 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 a close relative of the petitioner.
- (ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Gautam/Daya

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