

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75425 of 2022

Arising Out of PS. Case No.-198 Year-2022 Thana- KUDHNI District- Muzaffarpur

CHANDRA MOHAN PANDEY Son of Late Yogendra Pandey Resident of
village - Dariyapur Kafan, P.S.- Kudhani (Turki O.P.), District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2911 of 2023

Arising Out of PS. Case No.-198 Year-2022 Thana- KUDHNI District- Muzaffarpur

SURESH PANDEY Son of Late Rammilan Pandey R/v- Dariyapur Kafan,
P.S.- Kudhani, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 75425 of 2022)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

(In CRIMINAL MISCELLANEOUS No. 2911 of 2023)

For the Petitioner/s : Mr. Ashutosh Kumar, Adv.

For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in connection with Kudani P.S.
Case No. 198 of 2022 dated 22.04.2022 G.R. No. 1064 of 2022
registered for the offence under Sections 420, 467, 468, 471 and
34 of the Indian Penal Code.

The informant's ancestral land, which he got in his



share, is alleged to have been sold by the petitioner and others.

Learned counsel appearing for the petitioners submits that the petitioner, namely, Chandra Mohan Pandey, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that according to the F.I.R., petitioner, Chandra Mohan Pandey has sold the land of the informant, which he got in his share, to Parvati Pandey and Bharti Pandey. It is submitted on behalf of petitioner, Chandra Mohan Pandey that the informant and this petitioner happened to be co-sharer of their ancestral property in question for that purpose, the petitioner has filed a Partition Suit No. 213 of 2022 before the competent court of law which is pending. The petitioner has never sold the land of the informant. The petitioner is rotting in judicial custody since 20.08.2022.

As regards, petitioner, Suresh Pandey is concerned, it is submitted on his behalf that neither he happens to be family member of the informant nor he purchased any land from the petitioner, Chandra Mohan Pandey. As a matter of fact, the petitioner has purchased the land from one Krishna Mohan Pandey through a sale deed and there is no dispute between this petitioner and the seller, Krishna Mohan Pandey. It is further submitted that the entire case is purely in a nature of civil dispute and no case under Section 420 of the Indian Penal Code is made out against the petitioner as no illegal transaction of transfer of



any piece of land in favour of this petitioner took place. It is further submitted that according to the sale deed, Krishna Mohan Pandey is having absolute owner and title over the piece of land which has been sold to the petitioner, Suresh Pandey, who is rotting is judicial custody since 26.09.2022 without any fault.

It is further brought to the notice of this Court that some of the co-accused, namely, Parvati Pandey, Krishna Mohan Pandey and Bharti Pandey have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 05.12.2022 passed in Cr. Misc. No. 44451 of 2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioners 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 Additional Chief Judicial Magistrate-1st Class, Muzaffarpur in connection with Kudhani P.S. Case No. 198 of 2022 with the 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 bond shall be canceled 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 antecedent, 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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