

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29409 of 2023

Arising Out of PS. Case No.-304 Year-2020 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Babu Lal Marandi @ Babulal Yadav, Son Of Late Sita Ram Yadav, Resident
Of Village - Salaiya, P.S. - Salaiya, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Doman Bhagat, Son of Late Ramdhani Bhagat, Resident of village - Jogahi,
P.S. - Salaiya, Dist. - Aurangabad (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner is apprehending his arrest
in connection with Aurangabad Complaint Case No. 304 of 2020,
registered for the offences under Section 420 of the Indian Penal
Code.

3. As per prosecution case, the petitioner and other co-
accused persons fraudulently sold the land of the complainant
through a registered sale deed in favour of co-accused Bilash
Yadav. The petitioner is stated to be the witness on the sale deed.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case.
No occurrence as alleged has ever taken place. The petitioner is an



advocate clerk and also works as a deed writer in Civil Court, Aurangabad and he has no knowledge about the title of the disputed land which was sold by co-accused Satyajit Sinha to co-accused Bilash Yadav as the petitioner belongs to different village. The petitioner has not committed any fraud or cheating. There is no specific allegation against this petitioner for committing any offence except the allegation that he was knowing about the title of the complainant. The complainant has also filed Title Suit No. 81 of 2020 to declare the sale deed void and the petitioner has also been made party in the said title suit. Therefore, it is a dispute of civil nature.

5. Learned APP opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner is only stated to be a witness on a sale deed which has been executed by co-accused though for the land allegedly belonging to the complainant and no specific allegation of committing any fraud has been alleged against this petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Aurangabad/concerned court in connection with Aurangabad Complaint Case No. 304 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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