

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23096 of 2023**

Arising Out of PS. Case No.-377 Year-2022 Thana- BODHGAYA District- Gaya

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Krishnadeo Prasad S/O Late Dashrath Mahto R/O Village- Bhadeji, P.S-
Muffasil, Distt.- Gaya, At Present- Suryapura, P.S- Bodh Gaya, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rabindra Kumar Priyadarshi, Advocate
For the Opposite Party/s	:	Mr.Rajesh Kumar, APP
For the Informant/s	:	Mr. Dharmendra Kumar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 23-05-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in connection with Bodhgaya P.S. Case No. 377
of 2022 dated 26.06.2022 registered for the offences punishable
under Sections 406, 420 and 506 read with 34 of the Indian
Penal Code.

As per the prosecution case, the informant entered
into an agreement with the petitioner to sell his land. In
pursuance of the agreement the informant gave Rs. 5 lacs to the



petitioner and Rs. 3 lacs 5 thousand to his son Nityanand Kumar. Later on, the informant again entered into an agreement with the informant's son as he had the Power of Attorney with regard to the property in question and the above furnished amount was recorded as consideration, but the petitioner and his son did not execute the sale deed in favour of the informant.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel further submitted that the informant has manipulated and fabricated the document against the petitioner with a view to grab the land of the petitioner. On the other hand the petitioner is ready to return the amount. Learned counsel placed reliance on the judgment in the case of **Bimla Tiwari Vs. State of Bihar and Others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)** at para 10, the Hon'ble Apex Court has held that " we would reiterate that the process of the criminal law cannot be utilized for arm-twisting and money recovery, particularly while opposing the prayer for bail." The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 10.01.2023.

Learned A.P.P. for the State as well the learned counsel for the informant have vehemently opposed the bail



petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged 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 concerned, Gaya in connection with Bodhgaya P.S. Case No. 377 of 2022, with the condition :-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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