

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22269 of 2022

Arising Out of PS. Case No.-590 Year-2021 Thana- SIRDALA District- Nawada

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Balchand Prasad @ Balchand Yadav Son Of Late Bandho Mahto R/O Village-
Bariya Tand, P.S.- Sirdala, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyam Lata Devi, Wife of Late Manohar Prasad, Resident of Village + P.S.
- Sirdala, District - Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Birendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar, Advocate
For the Informant	:	Mr. Awadhesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 14-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Sirdala

P. S. Case No. 590 of 2021, registered for the offences

punishable under Sections 420, 468, 471 and 34 of the

Indian Penal Code.

The prosecution case as emerges from the FIR is

that the land of the informant has been sold by the

accused/petitioner, Balchand Yadav to the co-accused Babita

Devi without any title. As per further allegation, there is

involvement of co-accused, Ramesh Prasad and Satyendra



Prasad also. It is also alleged that Balchand Yadav is claiming title to the property on some documents.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that in view of the alleged facts and circumstances, it is purely a case of civil dispute and no offence is made out against the accused-petitioner. He also submits that the F.I.R. has been lodged without any application of legal mind and the petitioner is languishing in jail since 15.02.2022 without any rhyme and reason. He further submits that a civil suit is already going on between the parties with regard to the title to the property and this criminal case is in no way maintainable and this case is nothing but abuse of process of the Court.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one more case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. APP for the State and the informant vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-1st, Nawada, in connection with Sirdala P. S. Case No. 590 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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