

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21487 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- SHEKHPURA District- Sheikhpura

1. Md. Irshad Alam, Son of Late Rajaq Ali, Resident of Mohalla Khandpar, P.S. Sheikhpura, District - Sheikhpura.
2. Balmiki Kumar, Son of Kaushlendra Mahto, Resident of Mohalla Khandpar, P.S. Sheikhpura, District - Sheikhpura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 21798 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Arvind Prasad Mehta @ Chhotan Mehta, S/o Late Horil Mahton, R/o Mohalla- Khand Par, Sheikhpura, P.S. and District- Sheikhpura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 22298 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Vishnu Jha, Son of Late Arvind Jha, Resident Of Village - Mirjan Hat, P.S.- Mujahidpur, District- Bhagalpur, At Present Posted As Assistant, Sub Registry Office, Sheikhpura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 21487 of 2022)

For the Petitioners : Mr. N. A. Shamsi

For the Opposite Party : Mr. Ramchandra Singh, APP

(In CRIMINAL MISCELLANEOUS No. 21798 of 2022)

For the Petitioner : Mr. Suresh Prasad Singh

For the Opposite Party : Mr. Chandra Sen Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 22298 of 2022)



For the Petitioner : Mr. Abhay Kumar
For the Opposite Party : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 02-03-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Sheikhpura P.S. Case No.84 of 2022, registered for the offences punishable under Sections 467, 468, 471, 419, and 420 of the Indian Penal Code .

The prosecution case as emerges from the FIR is that the accused, Md. Inamur has sold the government land in favour of other co-accused.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that in this FIR, not only seller and purchasers but even Scribe as well as the Clerk of the registration office, who has conducted inquiry into the nature of the land which was subject matter of the sale-deed and even witnesses to the execution of the sale-deed, have been arrayed as accused. On perusal of the sale-deeds, it appears that the seller has sold the property claiming it as his own, and as such it is a civil dispute regarding title to the property



and this can be decided only by a civil court. At this stage, there is no criminality involved in the alleged facts and circumstances.

He further submits that the petitioners/ Md. Irshad Alam and Balmiki Kumar in Cr. Misc No. 21487 of 2022, Arvind Prasad in Cr. Misc No. 21798 of 2022 and Vishnu Jha in Cr. Misc No.22298 of 2022, have been languishing in jail since 03.03.2022, 15.03.2022, 03.03.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedent.

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

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of



Ld. Chief Judicial Magistrate, Sheikhpura, in connection with Sheikhpura P.S. Case No.84 of 2022 on the following conditions:

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

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

(iii) The petitioners 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 them 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 petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their



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 petitioners.

Ld. counsel for the petitioners 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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