

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25512 of 2023

Arising Out of PS. Case No.-440 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

Prithwi Yadav Son Of Kusum Lal Yadav Resident Of Village- Bidiranpal,
Ward No. 4, Ps- Udakishunganj, Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Udakishunganj P.S. Case no.440 of 2022 registered under sections 307, 341, 323, 386, 406, 420 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the accused Arun Kumar Yadav took him to the gate of the Court and ask the informant to put his signature. The informant signed the document. Subsequently, Arun Kumar Yadav and his accomplice Purshottam Kumar started to encircle the land of the *Math*. On making inquiries, the informant was informed that an agreement has been executed with respect to the land in question for Rs.75,51,000/-. On the informant telling Arun



Kumar Yadav that the amount has not been paid, it is stated that he was informed by Arun Kumar Yadav that the informant has entered into a written agreement with his wife Manali Bharti and on the said agreement the petitioner Prithwi Yadav and Purshottam Kumar have signed as witnesses. The informant states that he has not received any amount.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. From the contents of the F.I.R itself the dispute relates to sale and purchase of land between the informant and Arun Kumar Yadav and his wife namely Manali Bharti for which, as narrated in the FIR some agreement was entered into. The only allegation against this petitioner is of having signed as a witness. The dispute is primarily civil in nature. The petitioner is in custody since 22.12.2022. Investigation in the case is complete and the petitioner has no criminal antecedent.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the FIR, the allegation primarily being of land dispute between the informant on one hand and Arun Kumar Yadav and his wife Manali Bharti on the other, the petitioner not



being beneficiary in any manner, his being in custody for 5 months since 22.12.2022 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Udakishunganj P.S. Case no.440 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist, Udakishunganj, Madhepura.

(Partha Sarthy, J)

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