

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25649 of 2022

Arising Out of PS. Case No.-206 Year-2019 Thana- TARARI District- Bhojpur

Brijbihari Pandey Male, aged about 58 years, Son of Hridayanand Pandey
Resident of Village - Bhakura, P.S.- Tarari, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 31-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State of Bihar.

The petitioner seeks bail in connection with Tarari PS Case No. 206 of 2019 dated 05-11-2019, registered for the offence punishable under Sections 120B, 406, 420, 468, 471, 167, 323, and 504/34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that he had gifted the entire property by gift deeds in favour of his daughters. On his daughters applying for mutation, it transpired that the gifted property had already been mutated in favour of the accused persons including the petitioner herein in light of a compromise arrived at in permanent *Lok Adalat*. It is the case of the informant that he did not sign any compromise petition and his signature has been forged by the accused. On the basis of a false report submitted by the *Karmachari* that the lands were mutated in favour of the accused persons, informant filed a petition before the police authority narrating the above.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. From the facts



narrated in the First Information Report (*for brevity FIR*), it is clearly a case of civil dispute between the parties. The instant criminal case has been filed by the informant only with a view to pressurize the petitioner into accepting the unreasonable demand of the informant. The petitioner is in custody since 27-01-2022, though he has no antecedents. Charge-sheet has already been submitted in the case. Co-accused, namely, Shriram Pandey, who is brother of the petitioner, has already been allowed bail in Cr. Misc. No. 30995 of 2021 by a Co-ordinate Bench of this Court, after hearing the informant.

Learned APP for the State has opposed the prayer for bail. It is submitted by learned counsel for the State that from the narration of the FIR, it is clear that the petitioner along with the other accused, got a compromise petition passed from the permanent *Lok Adalat* based on the forged signature of this petitioner without his knowledge. Thereafter, taking the *Karmchari* in their conspiracy, they got the land mutated in their favour. It is a clear case of cheating and criminal breach of trust.

Considering the rival submissions, petitioner's period of custody, clean antecedents and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bhojpur Ara, in connection with Tarari PS Case No. 206 of 2019 dated 05-11-2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii)That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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