

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38955 of 2023

Arising Out of PS. Case No.-1258, Year-2022, Thana- Kahalgaon, District- Bhagalpur

Kaushal Kishore Mandal, Son of Narayan Mandal, Resident of Village-
Mahesha Munda, PS- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Damyanti Singh @ Jaimyanti Devi, w/o Jai Ram Singh, resident of 1/1 Virat
Khand Gomti Nagar Lucknow, UP-226010.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar, APP
For the Opposite Party No.2	:	Mr. Dhananjay Kumar Gupta, Advocate Mr. Rananjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-10-2023 Heard Dr. Manoj Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Manoj Kumar, learned
Additional Public Prosecutor for the State. The opposite party
no. 2 is represented by Mr. Rananjay Kumar, learned advocate.

2. The petitioner apprehends his arrest in connection
with Kahalgaon P.S. Case No. 1258 of 2022, registered for the
offences punishable under Sections 406, 420, 467, 468, 471 and
120(B) of the Indian Penal Code.

3. It is alleged that the informant sold his part of the
land to one Archana Devi, wife of the petitioner, on 11.08.2018.
Subsequently, the petitioner fraudulently by creating forged and
fabricated document got executed one another sale deed with
respect to 58 decimals of land vide registered Sale Deed no. 99,



Book No. 01, Volume No. 2, Khata No. 358, Keshra No. 1449.

4. It is submitted on behalf of the petitioner that the petitioner has purchased the land after payment of the entire consideration amount, way back on 05.01.2021 and the land has also been mutated in his favour. However, the present case has been instituted on 14.11.2022 after a delay of more than 1 year and 10 months. He next submits that even if the petitioner has any grievance with regard to the sale deed, in question, he has the remedy before the Civil Court, but only with a view to pressurize the present F.I.R. has been instituted. He lastly submits that the petitioner is a man of fair antecedent.

5. On the other hand, learned counsel for the informant as well as the State, vehemently opposed the pre-arrest bail application and submit that the registered sale deed, in question, has been executed by imposter another person in place of the opposite party no. 2 and thus the complicity of the petitioner in the crime cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of the dispute, which is predominantly Civil in nature, coupled with his fair antecedent, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the court below



within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 1258 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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