

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40700 of 2023

Arising Out of PS. Case No.-796 Year-2022 Thana- MAHUA District- Vaishali

Rajgir Rai, Male, aged about 37 years, Son of Shankar Ray, Resident of village - Chandpura Buzurg, P.S. - Baligaon, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Mahua P.S. Case No. 796 of 2022 dated 19.12.2022 registered for the offence punishable under Sections 420, 467, 468, 471, 120(B) of the Indian Penal Code.

Prosecution case is that co-accused Alok Kumar executed sale deed in favour of co-accused persons with respect to the same land which was sold to the informant vide the sale deed. The allegation against the petitioner is that he is the witness of the alleged sale deed.

Learned counsel for the petitioner submits that this is purely a civil dispute which has been given the colour of criminal offence. Co-accused persons namely, Vijay Sahni, Ajay



Sahni and Pinku Kumar have been granted anticipatory bail by the Court below. Charge-sheet has already been submitted in this case. Petitioner is in jail custody since 09.05.2023, having no criminal antecedent. There is no chance of absconding of the petitioner or tampering with the evidence.

Learned APP appearing for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case and submission of learned counsel for the parties, let the petitioner above named, be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 796 of 2022, subject to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court.

(ii) In case of absence on two consecutive dates without sufficient reason or if the petitioner misuse the liberty or violate any of the conditions imposed upon him his bail bond will be liable to be cancelled by the Court concerned.

(iii) If the petitioner tampers with the evidence or the



witness, in that case the prosecution will be at liberty to move
for cancellation of bail.

(Sunil Dutta Mishra, J)

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