

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41794 of 2023

Arising Out of PS. Case No.-413 Year-2021 Thana- GOGRI District- Khagaria

MD. NISAR Son of late Md. Munish Resident of Village - Rampur, P.S.-
Gogri, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shive Kumar

For the Opposite Party/s : Mr.Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 406, 420, 467, 468 and 120(B) of the Indian Penal Code.

As per allegation in the FIR, accused persons named in the F.I.R. including the petitioner, fraudulently, in connivance with the local revenue authorities had got mutated the land appertaining to Khata No.1, Khesra No.205 measuring area of one Bigha on the basis of registered sale deed in the name of Shambhu Yadav.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case due to land dispute between the parties. This matter is purely a civil nature dispute. The petitioner is the actual owner of the disputed land and the informant has falsely been claiming his right



and interest upon the same. Similarly situated co-accused namely Md. Gaji has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.06.2022 passed in Cr. Misc. No. 11458 of 2022. It is also submitted that petitioner is languishing in judicial custody since 24.12.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Gogri P.S. Case No. 413 of 2021 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 Chief Judicial Magistrate, Khagaria.

(Sunil Kumar Panwar, J)

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