

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44061 of 2023

Arising Out of PS. Case No.-37 Year-2021 Thana- SRINAGAR District- West Champaran

MAHENDRA PRASAD (Male), aged about 29 years, S/O LATE
RAMCHANDRA PRASAD, R/O Village- Bhawanipur, P.S- Srinagar(Pujha),
Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Ansul, Advocate Sagarika, Advocate Aditya Pandey, Advocate
For the informant	:	Mr. Mahesh Narayan Parbat, Sr. Advocate Mr. Pravin Prabhakar, Advocate
For the State	:	Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 26-07-2023 1. Heard learned counsel for the petitioner, learned senior counsel for the informant and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Srinagar (Pujha) P.S. Case No. 37 of 2021 dated 06.05.2021 registered for the offence(s) punishable under Section(s) 406 and 420 of the Indian Penal Code.

3. This is second attempt of the petitioner for the relief of regular bail after his earlier attempt for the same releif was rejected by this Court vide order dated 18.04.2023 passed in Cr. Misc. No.39606 of 2022 and now the petitioner has come again for the same relief mainly on the ground of liberty given



to him in earlier rejection order.

4. The main submissions advanced by the learned counsel for the petitioner are that the instant matter is completely of a civil nature and in between the parties, there is a land dispute and co-accused Ramchandra Prasad has been granted bail by this Bench vide order passed in Cr. Misc. No.39606 of 2022 and petitioner was given liberty to renew his bail prayer after the framing of charge and now upon him, the charges have been framed on 02.05.2023 and in the present time he is facing trial.

5. Learned senior counsel appearing for the informant has vehemently opposed the bail prayer and submitted that the informant is an old lady, aged about 73 years and suffering from ailments and on her behalf an application under Section 91 of Cr.P.C. was filed for directing the petitioner and other co-accused to produce the evidences in the trial court for comparing the writing, thumb impression and photographs of the informant from the documents in question and the said petition is pending before the trial court and there is a serious allegation against this petitioner.

6. Having regard to the facts and circumstances of the case and mainly the facts that the petitioner's trial has started



and charges have been framed upon him and he has been languishing in jail since 05.05.2022, in my opinion, in the present circumstances, the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged on bail in connection with Srinagar (Pujha) P.S. Case No. 37 of 2021 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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