

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49720 of 2022

Arising Out of PS. Case No.-457 Year-2017 Thana- BUXAR District- Buxar

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DIPAK KUMAR DUBEY Son of Indradeo Dubey Resident of Village-
Pithari, P.S.- Rajpur, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pathak

For the Opposite Party/s : Mr.Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 02-02-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Buxar
Town P.S. Case No. 457/2017 registered for the offences
punishable under Sections 420/467/468/472 read with Section
120(B) of the Indian Penal Code.

As per prosecution case, the informant and his
brothers have got area of 01 Acre 71 dismals of land bearing
Khata No. 38, Plot No. 20 alongwith other land in his share. It is
alleged that the petitioner has sold 62 ½ dismals land out of the
total land of Khata No.38, Khesra No.20 to the co-accused
Akhileshwar Singh.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 26.05.2022 and bears no criminal antecedent. He further submits that it is admitted position that the petitioner has sold the land in question in favour of Akhileshwar Singh in the year 2012 which is clear from the sale deed in question and the case has been lodged against the petitioner in the year 2017. He further submits that from perusal of the FIR itself no case is made out under the offences as alleged. There is clear cut case of civil nature as it appears from the facts narrated in the FIR. He further submits that the aforesaid land was in the name of grand father of the petitioner and the said land was also in possession of the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of



petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar Town P.S. Case No. 457/2017, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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