

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56044 of 2023

Arising Out of PS. Case No.-1690 Year-2015 Thana- GAYA COMPLAINT CASE District-
Gaya

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RAVIKANT PATHAK @ KARU PATHAK S/O - YUGAL KISHORE
PATHAK RESIDENT OF VILLAGE - MAU, P.S. - TEKARI

... .. Petitioner/s

Versus

1. The State of Bihar
2. REWATI KANT PATHAK S/O - YUGAL KISHORE PATHAK RESIDENT
OF VILLAGE - MAU, P.S. - TEKARI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mayank Bilochan, Adv.

For the Opposite Party/s : Mr.Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2023 Heard learned counsel for the petitioner and learned
counsel for the complainant as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Complaint
Case No. 1690 of 2015 registered for the offence under Sections
420 and 34 of the Indian Penal Code.

The petitioner is alleged to have fraudulently executed
a sale deed in favour of Prem Ranjan and Rakesh Ranjan against
the land which falls in the share of complainant, who is full
brother of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that in
fact, the complainant is full brother of the petitioner and as per



the complaint petition, the petitioner has executed sale deed against the land of complainant's share in favour of the co-accused Prem Ranjan and Rakesh Ranjan. He further submits that the dispute with respect to land in question is pending consideration in a Partition Suit No. 443 of 2015 and the petitioner is ready to honour the outcome of the title suit. He further submits that since the partition between the parties is sub-judiced before the competent court of law, question of title over the land in question would not arise and therefore, no case under Section 420 of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 11.06.2023.

Learned counsel for the complainant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner has committed fraud with the complainant and he is also ready to honour the outcome of the title suit.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, Gaya in connection with Complaint Case No. 1690 of 2015 with the following conditions:-

(1) 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 and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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