

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62537 of 2022

Arising Out of PS. Case No.-695 Year-2018 Thana- BUXAR District- Buxar

SURENDRA OJHA Son Of Late Ramashish Ojha R/O Village- Ojha Baraw,
P.S.- Murar, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Shruti Sinha

For the Opposite Party/s : Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Buxar
(Town) P.S. Case No. 695 of 2018 , registered for the
offences punishable under Sections 406, 420, 467, 468,
341, 323 and 120(B) of the Indian Penal Code.

As per prosecution, the complainant Tej Narayan
Ojha alleged that the petitioner has sold his land by forgery.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that in the alleged facts and
circumstances, there is dispute of civil nature and no



offence is made out because as per the allegation his land has been sold by co-accused, Kalavati Devi, claiming that she had got the land by way of sale deed from one Smt. Dhanmuni Devi. He further submits that even Civil Suit No. 640 of 2014 in the Court of Sub Judge, Dumraon, Buxar, is already going on in regard to title to the land in issue.

He further submits that the petitioner has been languishing in jail since 22.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, particularly, Civil nature of the dispute, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of Ld. C.J.M, Buxar in connection with Buxar (Town) P.S. Case No. 695 of 2018 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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