

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68144 of 2023

Arising Out of PS. Case No.-400 Year-2021 Thana- BARH District- Patna

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1. Bhajesh Kumar Son Of Nokhe Ram Resident Of Village- Chintamani Chack, PS- Mokama, District- Patna
 2. Jugeshwar Mahto @ Yugeshwar Parsad Son of Late Raghunath Mahto Resident of village Kalyanpur behind Jamui Court, PS- Jamui, District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Sone of Late Ram Chandra Prasad Singh Resident of village- Chintamani Chak, PS- Mokama, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Complaint Case No. 400(c) of 2021, filed by O.P. No. 2 wherein cognizance has been taken vide order dated 11.10.2022 under Sections 323, 341, 467, 471 & 34 of the I.P.C.

3. Learned counsel for the petitioners submits that from the contents of the complaint case, it is alleged that the dispute is relating to a piece of land situated at *Mauza- Chintamanichak*, Revenue P.S. Mokama, Khata No. 807, Plot No. 1489, Area 12 ½ decimal. It has been alleged that the

accused persons have sold this land to different persons and the purchasers have also got rent receipt after opening *jamabandi* in their name.

4. Learned counsel for the petitioners further submits that from the contents of the complaint case, it is also clear that the allegation of selling land and obtaining mutation, as well as opening *jamabandi* are the basis of the allegation in the complaint petition.

5. Learned counsel for the petitioners further submits that the complainant/O.P. No. 2 has also filed a Title Suit No. 108 of 2015 against the petitioners for cancellation of the said sale deed and instead of the title suit, he has also filed the present complaint case in which petitioners are in custody since 07.08.2023.

6. Learned counsel for the petitioners further submits that the antecedents of the petitioners are clean. Counsel further submits that the petitioner no. 1 is the person whose mother has purchased the said land and petitioner no. 2 is the person from whom the mother of the petitioner no. 1 has purchased the said land.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, it transpires to this Court that when the complainant/O.P. No. 2 has filed a title suit for cancellation of the sale deed, then keeping the petitioners in custody shall not be proper, therefore, let the petitioners above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- Ist Class, Barh, Patna in connection with Complaint Case No. 400(c) of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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