

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51265 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- GORAU District- Vaishali

Abhishek Kumar Son Of Late Jitendra Yadav Resident Of Mohalla - Bari
Pahari, P.S.- Agamkuan, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65082 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- GORAU District- Vaishali

Dina Nath Mahto S/O Late Bharat Mahto R/O Village- Bari Pahari , P.S.-
Agam Kuan, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51265 of 2022)

For the Petitioner/s : Mrs. Vaishnavi Singh

For the Opposite Party/s : Mr. Syed Mojibur Rahman

(In CRIMINAL MISCELLANEOUS No. 65082 of 2022)

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-01-2023 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

The petitioners have prayed for grant of bail in
connection with Goraul P.S. Case No. 10 of 2022 registered
under Sections 406, 420, 467, 468, 471 and 34 of the Indian
Penal Code.



As per allegation in FIR, petitioner Dina Nath Mahto has taken an amount of Rs. 21,70,000/- for execution of a land to which later on neither the petitioner returned money nor executed the land in favour of the informant. Petitioner Abhishek Kumar is witness of Baibeyana deed.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. They have falsely been implicated in this present case. As per the FIR, it is alleged that one Dinanath Mahto in the year 2013 on the pretext of marriage of his daughter asked the informant to help him financially in return of which Dina Nath Mahto will write his land in the name of the informant. It is further submitted from para 6 of the petition that petitioner executed land in favour of the informant after receiving to the tune of Rs. 3,75,000/- out of 23,75,000/- with a condition mentioned in Baibeyana deed in para 4 of the second column that if the informant shall not be paid full and final amount within six months since the date of execution of Baibeyana deed then the advance amount is itself forfeited. The present matter is of civil in nature. Petitioners are languishing in judicial custody from more than six months.

The application for bail is vehemently opposed by



learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Goraul P.S. Case No. 10 of 2022 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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