

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21491 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- JOGBANI District- Araria

1. Deepak Swarnkar Son of Ramnath Swarnkar Resident of Village- Fena Belahi Ward No. 11 P.S. Jogbani (Bathnaha) District- Araria
2. Panchdeo Kumar Son of Ramnath Swarnkar Resident of Village- Fena Belahi Ward No. 11 P.S. Jogbani (Bathnaha) District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinesh Prasad Verma, Advocate
For the State	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Dinesh Prasad Verma, learned counsel
for the petitioners and Mr. Binod Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Jogbani P.S. Case No. 270 of 2023, F.I.R. dated 02.11.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 384, 467, 468, 469, 504, 506 and 120B of the Indian Penal Code.

3. According to prosecution case, when the nephew of the informant ploughing the ancestral land then 22 named accused persons and 40-50 unknown came there with various arms and started abusing and they have prohibited his nephew



Naushad from ploughing the field and told that plot no. 842 mutated in favour of his three brothers, namely, Md. Jalil, Md. Shalil and Md. Khalil vide mutation no. 614. The informant alleged that Md. Mustaq demanded ransom of Rs.50,000/- and in connivance with the circle officer the manipulation has been made in the Zamabandi register. It is further alleged that petitioner no.2 has purchased land from other accused persons which was earlier sold by him and he has also playing role in the committed manipulation in the Zamabandi register with the others.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that as per the allegation in the FIR the accused persons have committed forgery by creating a false Zamabandi register and sold the land in question to some other persons. He further submits that petitioner no.2 is the bona fide purchaser of the land in question from Md. Abdul, Md. Zubrel, Md Jalil and Md. Samina and petitioners have been made accused on the ground that petitioners have purchased the land in question from



the aforesaid persons. He further submits that there is dispute pertaining to some other land between the informant and aforesaid four persons. He further submits that the petitioners have purchased the land in question after paying the consideration money to the aforesaid persons and he has no concern at all with the present occurrence.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Jogbani P.S. Case No. 270 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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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