

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44384 of 2024

Arising Out of PS. Case No.-667 Year-2022 Thana- PHULWARISHARIF District- Patna

Pappu Ray @ Ilaka, aged about 54 years, Sex-Male, Son of Late Parmanand Ray, R/O Village Nawada, P.S. - Phulwarisharif, Dist- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar Sinha, Advocate
For the Informant	:	Kumar Ravish, Advocate and Mr. Siddmi Aasmana, Advocate
For the State	:	Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 22-08-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Phulwarisharif P.S. Case No. 667 of 2022 dated 12.06.2022 registered for the offences punishable under Sections 406 and 420 of the I.P.C.

3. As per the prosecution case, the informant has purchased a plot of land through registered sale deed bearing Khata No. 127, Plot No. 61 measuring an area of 1 katha at Mauza-Nawada in the name of his wife Smt. Guriya Devi on a consideration amount of Rs. 18,76,000/- from the petitioner. Earlier the aforesaid plot of land was standing in the name of



Bhagwatiya Devi who is the *Phua* of the petitioner. The said plot has been got registered by the petitioner in the name of his wife Munni Devi posing his mother as his *Phua* Bhagwatia Devi. When the informant after payment of total consideration amount within the stipulated period asked to execute the sale deed of the aforesaid land then the petitioner started giving evasive reply. Thereafter, he came to know that his *Fufera* brother, son of Bhagwatiya Devi, namely, Sushil Kumar Sinha, registered the said land in the name of some other person. On query, the petitioner confessed his guilt and stated to execute the sale deed of another plot of land which is his ancestral land which was agreed by his family members also named in the written application. Thereafter, the informant got registered the another land on 09.04.2019 bearing Khata No. 24, Plot No. 566 an area of 1½ katha at Mauza-Nawada. After registration of the said land, the informant fixed pillar for erecting boundary wall on the said land and after few days when he went to the said plot of land then saw the pillar uprooted. The informant inquired into the matter then the petitioner alongwith his son Rudal Kumar, wife Munni Devi, brothers Jagdish Rai, Sunil Rai and two others started abusing. On being asked about uprooting the pillar, they all asked that they have uprooted the pillar and



threatened him with dire consequences if he will come to the said plot on next time. On inquiry, he came to know that the said plot of land is also standing in the name of the said Bhagawatiya Devi. On 18.05.2022, the informant went to the house of the petitioner to make demand of his money then all the accused persons named in the F.I.R. including the petitioner assaulted and abused him and his wife and the petitioner snatched *Purse* containing Rs. 15,000/- from his wife.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has not ever executed any sale deed in favour of the informant's wife, namely, Guriya Kumari rather the wife of the informant has purchased the said land from another person, namely, Parmanand Ray, son of Late Jhapsi Ray and after purchasing her land from the executor Parmanand Ray she is in peaceful and exclusive possession and she has got her name mutated in government serista in the circle office and its rent receipt is being issued in her name of the Circle Office. The petitioner has no concern with the alleged offence. It is purely a civil matter. There is no overt act against the petitioner and in absence of cogent evidences, no case under Sections 406, 420, 341 and



323/34 of the I.P.C. is made out against the petitioner. The alleged occurrence took place between 09.04.2019 to 18.05.2022 and the F.I.R. has been lodged on 11.06.2022 and delay in lodging the F.I.R., no explanation has been given by the prosecution. The other co-accused persons Sunil Ray and Rudal Kumar have already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 75642 of 2023 under order dated 03.04.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 23.01.2024.

5.Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail petition of the petitioner. Learned counsel for the informant has submitted that there is specific allegation against the petitioner and during investigation, the allegation is found to be true against the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody of the petitioner, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIV, Patna in connection with Phulwarisharif P.S.



Case No. 667 of 2022 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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