

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40075 of 2024

Arising Out of PS. Case No.-11 Year-2021 Thana- TEKARI District- Gaya

Bindi Rai @Shashi Shekhar Sharma Son of Late Ramchandra Sharma @
Ramchandrarai @ Ramjanam Rai R/O Village khaira tola, Bhatbigha, P.S.-
Tekari, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey,A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Tekari P.S. Case No. 11 of 2021, registered on 08.01.2021 for the offences under Sections 420, 467 and 468 of the Indian Penal Code.

3. As per the prosecution case, allegation against the petitioner is that he along with other co-accused persons got the mutation of the ancestral land of the informant done in their favour and they also sold the land falling in the share of the son of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to land dispute of the parties. The present case is counter blast of Complaint Case No. 719 of 2020 which has been filed against the informant and her son. The

petitioner has filed title suit no. 488 of 2020 against the son of the informant and purchaser of the disputed land. Learned counsel further submits that informant is a widow and she started living with some other person during the life time of her husband and her son is not a co-sharer in the family property of the petitioner. Now, suddenly the son of the informant sold the family land in favour of one Randhir Kumar, thereafter, the complaint case and title suit has been filed by the petitioner side. Coming to know about the cases lodged by the petitioner side, the informant had filed this false case in order to pressurize the petitioner. Learned counsel submits that the other co-accused persons of this case have been granted anticipatory bail by this Court *vide* order dated 07.03.2024 passed in Cr. Misc. No. 78098 of 2023. Petitioner is 72 years old and is in custody since 05.03.2024. The petitioner was made accused in Civil Lines P.S. Case No. 162 of 1998 in which the petitioner is acquitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the allegation of selling the land of the son of the informant is against the petitioner and others.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that the whole occurrence is said to have taken place in the

background of land dispute and co-accused persons have been granted anticipatory bail by this Court, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Gaya/concerned court, in connection with Tekari P.S. Case No. 11 of 2021, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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