

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44229 of 2024

Arising Out of PS. Case No.-60 Year-2023 Thana- CIVIL LINE District- Gaya

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Jitendra Mishra @ Jitendra Kumar Mishra Son of Late Shivshankar Sharan
Mishra R/O Vill.- Jamune, P.S.- Chandauti, Dist.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binod Kumar Mishra S/o Late Awadh Bihari Sharan Mishra R/o Village-
Jamune, P.S.-Chandauti, Distt.- Gaya. At Present R/o mohalla- Pursaini,
Mohanlalganj, P.S.-Mohanlalganj, Distt.- Lakhnow (U.P)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate
For the State	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr. Rajnish Kumar, Advocate Mr. Amit Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2024 Heard Mr. Aryan Singh, learned counsel for the

petitioner, Mr. Rajnish Kumar, learned counsel appearing on

behalf of the informant as well as Mr. Dilip Kumar No. 1,

learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
09.02.2024 in connection with Civil Line P.S. Case No. 60 of
2023, F.I.R. dated 26.07.2023 for the offences punishable under
Sections 420, 467, 468, 471 and 34 of the Indian Penal Code.

3. According to prosecution case, this petitioner has
sold the land of the informant to his family members on the
basis of forged registered deed.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. It is alleged in the F.I.R that on the basis of forged registered deed, the petitioner has transferred 78.7 decimal of land situated at village Churi and 64.5 decimal of land along with the building situated at village Bahadur Bigha in favour of his elder brother, Brijraj Mishra, his wife, Sanju Mishra and his nephew, Rakesh Mishra. He further submits that as per the allegation in the F.I.R, the aforesaid property is a joint family property and without partition the petitioner has sold the property. He further submits that the informant is own agnate of the petitioner and on the same set of allegation the wife of the petitioner, namely, Sanju Mishra has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 11609 of 2024. The petitioner is in custody since 09.02.2024.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner knows the fact that the land in question does not belong to him and still he transferred the same in favour of his family members. And apart from that the



petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, nature of allegation as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya in connection with Civil Line P.S. Case No. 60 of 2023, subject to the following conditions:-

i. Petitioner 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 petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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