

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45701 of 2024

Arising Out of PS. Case No.-583 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Sushil Prasad Mandal @ Sushil Kumar Mandal, aged about 40 years (Male),
son of Umesh Prasad Mandal @ Umesh Mandal, resident of Village-
Ganeshpur Tinpuliya, P.S.- Jagdishpur (Bypass), Distt.- Bhagalpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Meena Singh, APP
For the Informant	:	Mr. Durgesh Nandan, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner; learned
Additional Public Prosecutor for the State and learned counsel
for the informant, who has appeared *suo motu*.

2. The petitioner seeks bail in connection with
Jagdishpur (Bypass) PS Case No.583 of 2023 dated 28.12.2023,
instituted for the offence punishable under Sections 419, 420,
467, 468, 120-B/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioner
is a Loco Pilot and posted at Bhagalpur. During the course of
work, he met with petitioner, who introduced himself as a
property dealer and told the informant that one piece of land
bearing Khata No. 2, Khesra No.8, Raqba 1.685 decimal is
situated near Bypass which was to be sold by Sanjeev Kumar,



who is the owner of the land. The petitioner also assured the informant that he will assist in taking loan from the bank. Thereafter, he met with Sanjeev Kumar through the petitioner. Both the persons showed the land and the deal was finalized at rupees seventeen lakhs. Thereafter, the informant paid rupees one lakh through *Phone Pe* and Rs.12,75,000/- through DD to the informant. He also paid Rs.3,25,000/- on the date of execution of the sale deed. Thereafter, Sanjeev Kumar executed the sale deed in the name of the informant's wife, Asha Kumari. After execution of the sale deed, her name was also mutated in the Anchal office. It is further alleged that on 18.12.2023, when the informant was present on the said land, 2/3 persons came and said that the said land belongs to him and Sanjeev Kumar is not the real owner of the land. Thereafter, the petitioner met with the petitioner and requested for meeting with Sanjeev Kumar, who executed the sale deed, upon which the petitioner became furious; abused him and threatened him of dire consequences. The informant started searching the said Sanjeev Kumar and came to know that one Shashi Kumar Mandal had executed the sale deed in place of Sanjeev Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. It is further submitted that from bare perusal of the FIR, it is clear that the so-called money was allegedly transferred either in the account of Sanjeev Kumar or in the account of one Pintu Kumar and the petitioner has got no concern with the aforesaid two persons. It is further submitted that the petitioner himself has purchased a piece of land from one Shiv Shankar Singh bearing Khata No.2, Plot No.8 Area 1.656 decimal through registered sale deed dated 08.02.2023 and thereafter he came in possession over the said plot. It is further submitted that one Sanjeev Kumar purchased the land from Kiran Devi whose land was situated on the southern boundary of the purchased land of the petitioner through registered sale deed dated 30.06.2010. It is also submitted that in the sale deed of the informant, in the column of northern boundary, it is mentioned that the land of the petitioner is situated. Petitioner has not received any amount from the informant. Lastly, it is submitted that three criminal cases are pending against the petitioner.

5. Learned APP as well as learned counsel for the informant has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of



Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, in Jagdishpur (Bypass) PS Case No.583 of 2023, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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