

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63212 of 2023**

Arising Out of PS. Case No.-193 Year-2022 Thana- SHEOHAR District- Sheohar

UMESH TIWARI son of Late Gauri Shankar Tiwari Village- Sheohar Ward  
no-4, Ps Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                              |   |                            |
|------------------------------|---|----------------------------|
| For the Petitioner/s         | : | Mr. Shashi Bhushan Pandey  |
| For the State                | : | Mr. Arun Kumar Singh       |
| For the Opposite Party No.2: |   | Mr. Pushpendra Kumar Singh |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      19-01-2024                      Heard learned counsel for the petitioner, learned  
A.P.P. for the State and learned counsel for the opposite party  
no. 2.

2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 406, 420,  
467, 468, 471, 354, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that the  
petitioner took consideration money of Rs. 2,50,000/- from the  
opposite party no. 2 and registered a sale deed in his favour.  
When the opposite party no. 2 filed an application for mutation  
of the said land, the concerned authority rejected the mutation  
stating therein that the said land does not belong to the  
petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is ready to return the said consideration money i.e. Rs. 2,50,000/- to the opposite party no. 2, if opposite party no. 2 resell the said land to the petitioner, the opposite party no. 2 also agreed on this point. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Considering the facts and circumstances of the case, let the above named petitioner, be released on **provisional bail** for **six months**, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sheohar P.S. Case No. 193 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. The opposite party no. 2 is directed to resell the said land within period of six months after receiving consideration money from the petitioner.



7. Learned Court below shall confirm the provisional bail of the petitioner after verifying that the petitioner has returned the said consideration money i.e. Rs. 2,50,000/- to the opposite party no. 2. If the opposite party no. 2 will not resell the said land to the petitioner within six months, then the learned Court below shall confirm the provisional bail of the petitioner.

8. Accordingly, this application stands disposed of.

**(Anjani Kumar Sharan, J)**

anand/-

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