

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59261 of 2024

Arising Out of PS. Case No.-47 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Mukesh Kumar Jha @ Mukesh Kumar S/O Late Subhash Chandra Jha
Resident of Vill- Barbata tola, Salempur, P.S- Musrigharari, Distt- Samastipur,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rambabu Yadav, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 09-09-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 472 and 34 of the IPC in connection with Dalsinghsaray P.S. Case No.47 of 2022.

3. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that the land in question belongs to him and the Jamabandi of the land is still in the name of his grandfather Late Mishri Lal Nayak and has all the relevant documents relating to



the land, further some portion of the land was acquired for which informant received compensation. It is next alleged that there are four shops made of bricks and tin and is given on rent, further, the land became valuable as is now part of the Nagar Parishad, hence the accused persons including the petitioner in connivance committed forgery and Suraj sold the land in favour of Dilip by executing forged sale deeds on which rest accused persons are witnesses and identifier.

4. The learned counsel submits petitioner has been falsely implicated in the instant case by the informant being a witness on the sale deed. It is next submitted that the land was sold by Suraj in favour of Dilip, on which petitioner was a witness.

5. The learned APP, Mr. Rabindra Kumar opposes the anticipatory bail application and submits that there is a specific allegation in the FIR that the land of the informant was illegally sold by Suraj in favour of Dilip by resorting to forgery and forged sale deeds were executed and on all the sale deeds the petitioner is a witness. It is further submitted that land prices in Bihar has skyrocketed, as such land grabbers are indulging in such act with impunity. It is also submitted that if petitioner is given the privilege of anticipatory bail, he may abscond, on



which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond, rather will cooperate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Samastipur in connection with Dalsinghsaray P.S. Case No.47 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a further condition that one of the bailor of the petitioner shall be his wife, namely, Shabnam Devi.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. It is further made clear that in the event if charge sheet is submitted connecting the petitioner with the offence, in



that event, the present anticipatory bail order shall loose its effect.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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