

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60314 of 2024

Arising Out of PS. Case No.-822 Year-2022 Thana- PHULWARISHARIF District- Patna

Jipu Kumar S/O Gajendra Sharma Resident of Village- Gajachak
Mohammadpur, P.S.- Janipur, District- Patna Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ansiur Rahman, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 17-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Phulwari Sharif (Janipur) P.S. Case No. 822 of 2022 dated 18.07.2022 instituted for the offence punishable under Sections 419, 420, 467, 468, 471 and 120(B)/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 09.02.2022, informant had purchased a piece of land from Ribla Devi on the instigation of Manoj Kumar @ Badshah Singh, Vimal Prasad Gupta and Dinesh Kumar worth Rs. 21,45,000/-. Amit Kumar was witness of the said sale deed. On 23.05.2022, mutation paper was issued in favour of the informant. When the informant along with her husband went to construct boundary wall on the said land then they came to know from nearby people that the said land is in the name of another person. The



accused persons have taken sum of Rs. 21,45,000/- from the informant by showing forged documents of the land.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is neither vendor nor witness to the alleged sale deed. It is further submitted that petitioner is not named in the FIR, only on basis of confessional statement of co-accused Rashid Ansari, the petitioner has been made accused in this case. It is further stated that petitioner neither took any money nor executed any sale deed in favour of the informant. Only on basis of past criminal antecedents, the prayer for bail of the petitioner has been rejected by the learned lower Court. Lastly, it has been submitted that petitioner has sixteen criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Phulwari Sharif (Janipur) P.S. Case No. 822 of 2022, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge-XIV-cum-A.C.J.M., Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. 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.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. 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.
4. 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.

(Khatim Reza, J)

Sankalp/-

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