

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66020 of 2024

Arising Out of PS. Case No.-504 Year-2023 Thana- BARBIGHA District- Sheikhpura

Kumar Vinay, aged about 55 years, Male, Son of Lt. Rajendra Prasad,
Resident of Village- Lodipur PS- Barbigha Dist- Sheikhpura, Pin Code-
811105

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-10-2024 Heard Mr. Mrityunjay Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Prem Kumar Jha,
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Barbigha P.S. Case No. 504 of 2023 registered for the offences
punishable under Sections 406, 419, 420, 467, 468, 471, 504
and 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused
persons including the petitioner has committed forgery with the
informant in respect of certain piece of land belonging to the
co-accused Ravi Kumar. Specific allegation against the
petitioner is that on his behest, the informant paid rupees one
lakh and one thousand to co-accused Ravi Kumar and thereafter



they executed the sale deed.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is a government teacher and he has informed his Controlling Officer that he is in custody and being innocent, having known to both the parties, he became witness to the agreement to sale. Petitioner has no role in any manner, nor he has accepted any money as advance. Petitioner has clean antecedent.

5. Learned APP appearing for the State opposes the bail prayer.

6. Having considered the rival submissions made on behalf of the parties, as well as, the very nature of allegation made in the FIR for non-performance of sale deed, the petitioner, who is witness to the agreement to sale and having prepared the same, has been made accused in the present case. Petitioner is a government teacher and there is no question of tampering with the evidence and, as such, the learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Barbiga P.S. Case No. 504 of 2023 subject to



the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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