

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71398 of 2023

Arising Out of PS. Case No.-3035 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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VIJAY SHANKAR PRASAD son of Late Moti Prasad Yadav Village-
Dharohar Ghorhat Po, Ps and Dist- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Babita Devi wife of Nagendra Pathak Village- Faridpur Jamui Po- Jamui
Dulhin Bazar Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Subhash Kumar, Advocate
For the Opposite Party/s	:	Mr.Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Surendra Kumar Mushra, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 29-02-2024
1. Heard learned counsel appearing on behalf of the petitioner, learned Additional Public Prosecutor appearing on behalf of the State and learned counsel appearing on behalf of informant.
 2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Complaint Case No. 3035(C) of 2020 P.S. Case No. 517 of 2019, registered for the offences punishable under Sections 420, 465, 468, 471, 323, 341, 379 and 120(B) of the Indian Penal Code.
 3. The allegation against above named petitioner is to cheat informant by creating a false and fabricated sale deed alongwith other co-accused persons for a piece of land, details



of which mentioned in para -1 of the complaint itself.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case without no reason. It is pointed out that petitioner is not the beneficiary of alleged transfer of land and his implication only appears being an attesting witness. It is submitted that similarly situated co-accused persons have already granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 70541 of 2023 dated 07.11.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact, as petitioner is not a beneficiary of the alleged land transaction, where implication appears only being an attesting witness, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna/concerned Court, where the case is pending in connection



with Complaint Case No. 3035(C) of 2020 P.S. Case No. 517 of
2019, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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