

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48029 of 2024

Arising Out of PS. Case No.-583 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Shashi Kumar Mandal @ Sashi Kumar Mandal S/o Ramdev Mandal R/O
Mohalla Basant Bihar Colony PS Mojahidpur District Bhagalpur At Present
Village Kashimpur Ps Goradih District Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 81610 of 2024

Arising Out of PS. Case No.-583 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Sanjeev Kumar S/o Upendra Das R/o Village- Fatehpur, Police Station-
Jagdishpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 48029 of 2024)

For the Petitioner/s : Mr. Mrigank Mauli, Sr. Adv.
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP
Mr. Durgesh Nandan
Ms. Puja
Mr. Roushan Kumar, Advocates

(In CRIMINAL MISCELLANEOUS No. 81610 of 2024)

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP
Mr. Jai Prakash Verma
Mr. Ratnesh Sharan, Advocates

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

8 06-12-2024 Since both the petitions for bail arises out of same PS

Case i.e. Jagdishpur PS Case No. 583 of 2023, they are being

heard together and disposed of by a common order.

2. The petitioners seek bail in connection with



Jagdishpur(Bypass) PS Case No. 583 of 2023 dated 28-12-2023, instituted for the offence punishable under Sections 419,420, 467, 468, 120B/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant is a Loco Pilot and posted at Bhagalpur. He met co-accused, namely Sushil Prasad Mandal @ Sushil Kumar Mandal in June 2023 who introduced himself as a property dealer and told the informant that one piece of land bearing Khata No. 2, Khesra No.8, area 1.685 decimal is situated near Bypass which was to be sold by Sanjeev Kumar, who is the owner of the land. The said Sushil Prasad Mandal @ Sushil Kumar Mandal also assured the informant that he will assist in taking loan from the bank. Thereafter, the informant met with Sanjeev Kumar petitioner of Cr. Misc. No. 81610 of 2024 through said co-accused Shushil Pd. Mandal. Both the persons showed the land and the deal was finalized at rupees seventeen lakhs. Thereafter, the informant paid rupees one lakh through *Phone Pe* and Rs.12,75,000/- through DD to the account of Sanjeev Kumar petitioner of Cr. Misc. No. 81610 of 2024. He also paid Rs.3,25,000/- on the date of execution of the sale deed. Thereafter, Sanjeev Kumar executed the sale deed in the name of the informant's wife, Asha Kumari. After execution of the



sale deed, her name was also mutated in the *Anchal* office. It is further alleged that on 18.12.2023, when the informant was present on the said land, 2/3 persons came and said that the said land belongs to them and Sanjeev Kumar is not the real owner of the land. Thereafter, the informant met with the said Sushil Prasad Mandal @ Sushil Kumar Mandal and requested for meeting with Sanjeev Kumar, who executed the sale deed, upon which the said co-accused Sushil Prasad Mandal @ Sushil Kumar Mandal became furious, abused him and threatened him of dire consequences. The informant started searching the said Sanjeev Kumar and came to know that one Shashi Kumar Mandal petitioner of Cr. Mic. No. 48029 of 2024 had executed the sale deed in place of Sanjeev Kumar.

4. Mr. Mrigank Mauli, learned senior counsel representing the petitioner of Cr. Misc. No. 48029 of 2024 takes a fair stand before this court that he is ready to deposit an amount of Rs. 10 lacs in six equal monthly installments to the informant. The petitioner is in custody since 29-12-2023 having no criminal antecedents.

5. Mr. Ajay Mukherjee, learned counsel representing the petitioner, namely Sanjeev Kumar of Cr. Misc. No. 81610 of 2024 submits that the petitioner is innocent and he has been



falsely implicated in this case only on suspicion and due to dirty local politics. No forgery or misappropriation of any amount has been committed by the petitioner. The petitioner has not executed any sale deed in favour of informant or any persons nor his signature is available in any sale deed. As a matter of fact, the petitioner himself was duped by the main culprits co-accused, namely, Sushil Kumar Mandal and Shashi Kumar Mandal (petitioner of Cr. Misc. No. 48029 of 2024) and Pintu Kumar. When petitioner came to know about the said forgery then wife of the petitioner, namely, Lalita Kumari filed a complaint case bearing Complaint Case No. 1438 of 2024 against Sintu Kumar, Shashi Kumar Mandal, Pawan Kumar Singh and Sanjeev Kumar son of Ram Prasad Yadav before the court of learned CJM Bhagalpur just before filling of the bail petition before the Court of learned Sessions Judge. The petitioner is in custody since 21-06-2024 having no criminal antecedent.

6. Learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner, namely Shashi Kumar Mandal @ Sashi Kumar Mandal of Cr. Misc. No. 48029 of 2024. However, he submits that the court may pass appropriate order in view of the



fact that the petitioner, namely Shashi Kumar Mandal @ Sashi Kumar Mandal is ready to pay Rs. 10 lacs to the informant.

7. So far petitioner, namely, Sanjeev Kumar of Cr. Misc. No. 81610 of 2024 is concerned, learned counsel for the informant as well as learned counsel for the State have vehemently opposed the prayer for bail and submitted that sale deed was executed by Shashi Kumar Mandal @ Sashi Kumar Mandal impersonating him as Sanjeev Kumar and Rs. 12,75,000/- was paid through bank demand draft on the day of execution of the sale deed and Rs. 3,25,000/- in cash on the said day of execution of sale deed i.e. on 12-07-2023 and Rs. one lacs through *Phone Pe* in the account of the petitioner, namely, Sanjeev Kumar of Cr. Misc. No. 81610 of 2024 by the informant. Further, it is submitted that on the persuasion of co-accused Sushil Kumar Mandal loan amount of Rs. 12.75 lacs has also been sanctioned in favour of the informant for purchased of land and paid in the account of petitioner, namely, Sanjeev Kumar bearing Saving Account No. 922010057816647 which was opened on 07-06-2023 and the loan amount has been transferred in the above account. Thereafter the said amount has been transferred in the account of co-accused, namely, Pintu Kumar, who is still absconding. Further from perusal of the



bank statement of the account of petitioner, namely, Sanjeev Kumar bearing Saving Account No. 922010057816647, it would appear that the said amount has been credited in the account of the petitioner. There is no complaint against the said amount which was credited in his account and the entire money which has been credited in the account of the petitioner later on transferred to the account of another co-accused persons. Learned counsel for the informant submitted that the petitioner never filed any complaint before the Bank so that the act of the petitioner would be justified.

8. Considering the aforesaid facts and circumstances, this court is not inclined to grant bail to the petitioner, namely, Sanjeev Kumar of Cr. Misc. No. 81610 of 2024. The prayer for grant of bail is hereby rejected

9. Trial Court is directed to expedite the trial.

10. So far petitioner, namely Shashi Kumar Mandal @ Sashi Kumar Mandal (Cr. Misc. No. 48029/2024) is concerned, having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, namely Shashi Kumar Mandal @ Sashi Kumar Mandal of Cr. Misc. No. 48029 of 2024 be released on provisional 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 CJM, Bhagalpur in Jagdishpur (Bypass) PS Case No. 583 of 2023, subject to the following conditions:-

(i). At the time of furnishing bail bonds the petitioner shall pay Rs. 2 lacs to the informant through demand draft and thereafter the rest amount of Rs. 08 lacs i.e., Rs. 1,60,000/- shall be paid by the petitioner to the informant by 10th of every successive months through demand draft in five monthly installments. The court below upon deposit of the demand drafts shall issue notice to the informant and handover the same to him after due verification.

(ii) upon deposit of the entire amount i.e. Rs. 10 lacs provisional bail of the petitioner shall be confirmed.

11. The aforesaid payment shall be subject to final result of the case.

12. The bail applications stand disposed of.

(Khatim Reza, J)

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