

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74279 of 2023**

Arising Out of PS. Case No.-340 Year-2022 Thana- MAHISHI District- Saharsa

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Pramod Sah Son Of Late Anand Lal Sah Resident Of Village - Samani, Ward  
No.- 07, P.O.- Telwa, P.S.- Mahishi (Jalai O.P.), District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Pramod Mishra, Advocate       |
| For the Informant    | : | Mr. Pawan Kumar, Advocate         |
| For the State        | : | Mr. Chandra Sen Prasad Singh, APP |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      29-02-2024                      Heard Mr. Pramod Mishra, learned counsel for the  
  
petitioner, Mr. Pawan Kumar, learned counsel for the informant  
  
and Mr. Chandra Sen Prasad Singh, learned Additional Public  
  
Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Mahishi (Jalai O.P.) P.S. Case No. 340 of 2022,  
F.I.R. dated 26.11.2022 for the offences punishable under  
Sections 147, 354(B), 452, 384, 420, 467, 468, 471 and 120(B)  
of the Indian Penal Code.

3. According to prosecution case, petitioner is said to  
have executed a false sale deed in favour of his wife.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that the allegation as alleged in the FIR is false and fabricated and in fact the petitioner and informant are agnates. He further submits that from a bare perusal of the FIR it appears that the petitioner has executed a false sale deed in favour of his wife. He further submits that for the same the informant may approach before the competent court of law.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the one more case is pending against the petitioner and petitioner has committed fraud with the informant but fairly submits that the petitioner is a family member of the informant.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Saharsa in connection with Mahishi (Jalai O.P.) P.S. Case No. 340 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and



with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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