

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77221 of 2024

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

Shit Kumar @ Shiv Kumar Son of Anirudh Harijan village- Kumhar Toli,
Laluchak, Angari, Ps- Babarganj, Dist- Bhagalpur Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murlidhar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Jagdishpur (Bypass) P.S. Case No. 583 of 2023 dated 28.12.2023, instituted for the offence punishable under Sections 419, 420, 467, 468, 120-B/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant is a Loco Pilot and posted at Bhagalpur. During the course of work, he met with Sushil Mandal, who introduced himself as a property dealer and told the informant that one piece of land bearing Khata No. 2, Khesra No.8, Raqba 1.685 decimal is situated near Bypass which was to be sold by Sanjeev Kumar, who is the owner of the land. Sushil Mandal also assured the informant that he will assist in taking loan from the bank.



Thereafter, he met with Sanjeev Kumar through Sushil 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 Sanjeev Kumar. 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 him and Sanjeev Kumar is not the real owner of the land. Thereafter, the informant met with the petitioner and requested for meeting with Sanjeev Kumar, who executed the sale deed, upon which the Sushil 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 had executed the sale deed in place of Sanjeev Kumar.

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 not named in the FIR. Petitioner is witness to the alleged sale deed in favour of



the informant due to which his name has been dragged in this case. Nothing has been mentioned against the petitioner that he either received any money or executed any sale deed in favour of the informant. It is further submitted that similarly situated co-accused namely, Sushil Prasad Mandal @ Sushil Kumar Mandal has been granted bail vide order dated 12.07.2024 passed by this Court in Criminal Miscellaneous No. 45701 of 2024. Lastly, it has been submitted that the petitioner is in custody since 16.05.2024 having no criminal antecedents and charge-sheet has been submitted in the case.

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, let the petitioner be released on 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 C.J.M., Bhagalpur in Jagdishpur (Bypass) PS Case No.583 of 2023.

(Khatim Reza, J)

Sankalp/-

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