

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12271 of 2025

In
CRIMINAL MISCELLANEOUS No.48029 of 2024

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

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Shashi Kumar Mandal @ Sashi Kumar Mandal Son of Ramdev Mandal
Resident of Mohalla- Basant Vihar Colony, P.S.- Mojahidpur, Distt.-
Bhagalpur, at present Village- Kashimpur, P.S.- Goradih, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Anand, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. This application has been filed for modification of
order dated 06.12.2024 passed in Criminal Miscellaneous No.
48029 of 2024 by which the petitioner was granted the privilege
of provisional bail with certain conditions since the petitioner
was ready to refund the amount in question.

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 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. 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 had executed the sale deed in place of Sanjeev Kumar.

4. Learned counsel for the petitioner submitted that Rs. 2,00,000/- through demand draft dated 12.12.2024 and Rs. 1,60,000/- through demand draft dated 10.01.2025 has been paid to the informant by the petitioner in compliance of order dated 06.12.2024 passed in Criminal Miscellaneous No. 48029 of 2024. Learned counsel for the petitioner further submitted that no transaction of money has taken place in the account of present petitioner, so far the cash amount of Rs. 3,25,000/- is concerned that was paid to the petitioner by the informant in cash, the same has already been returned to the informant by two demand drafts total amounting to Rs. 3,60,000/-.

5. Since the allegation against the petitioner is that he has executed the sale deed of the land which does not belong to him by impersonating himself as Sanjeev Kumar and fabricating Aadhar Card and Pan Card in the name of said Sanjeev Kumar.

6. Earlier vide order dated 06.12.2024 passed in Criminal Miscellaneous No. 48029 of 2024, the petitioner was granted provisional bail on the condition that he shall be paying Rs. 10 lakhs in six equal installments to the informant.



However, this condition was not abided by the petitioner and subsequently, he filed present application for modification of said order dated 06.12.2024 before this Court stating that he has not received any amount in his account and feigned ignorance.

7. Considering his earlier undertaking, he was granted provisional bail at that point of time subsequently he is resiling from his earlier undertaking, constrains this court to cancel earlier granted provisional bail vide order dated 06.12.2024 passed in Criminal Miscellaneous No. 48029 of 2024.

8. The petitioner is directed to surrender before the concerned court within four weeks from today. If the petitioner does not surrender before the concerned court, the concerned court is directed to take all coercive steps to secure his presence.

9. Accordingly, the modification application stands dismissed.

(Khatim Reza, J)

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