

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63808 of 2025

Arising Out of PS. Case No.-593 Year-2018 Thana- CHAPRA TOWN District- Saran

Birendra Kumar, S/O Dhaneshwar Mahto, Resident of Village- Bharpura,
P.S.- Sonapur, Saran, (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Mandal, Advocate
		Mr. Rohit Kumar, Advocate
For the Opposite Party/s :		Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 31-10-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Nagar P.S. Case no.593 of 2018, registered under sections 420, 467, 468, 471 and 406 of the Indian Penal Code.

3. As per the prosecution case, it is stated that an amount of Rs.13,40,265.60 and another amount of Rs. 39,18,934.40 relating to compensation against the land acquisition was transferred to the account of the petitioner on his submitting the land ownership certificate, rent receipt and other documents with respect to the acquired land. On enquiry it transpired that the documents were forged and fabricated. The petitioner was informed that he should return the amount which



he did not.

4. It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 9.4.2024 passed in Cr. Misc. no.2014 of 2024 mainly on the ground of the petitioner having absconded for a period of 5 years. It is further submitted that the allegations are primarily documentary in evidence which are already in possession of the prosecution. The petitioner has remained in custody for more than 2 years since 12.7.2023 and undertakes to cooperate in the trial. He has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 14.10.2025, the trial has commenced with PW-1 having been partly examined on 24.6.2025 when the examination was deferred on request of learned defence counsel. From the contents of the report it further transpires that inspite ofailable warrants having been issued against the non-official witnesses and summons to the official witnesses, no witness has turned up nor examined on behalf of the prosecution.

7. Having heard learned counsel for the parties and



taking into consideration the nature of allegation against the petitioner in the F.I.R., the evidence primarily being documentary in nature, the petitioner having remained in custody for over 2 years since 12.7.2023 and the prosecution witnesses not cooperating in the trial as evident from the communication received from the learned trial Court, in the facts of the case, the petitioner is directed to be enlarged on bail in connection with Nagar P.S. Case no.593 of 2018, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Chapra at Saran.

(Partha Sarthy, J)

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