

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12848 of 2015

Arising Out of PS.Case No. -216 Year- 2014 Thana -GORAUL District- VAISHALI(HAJIPUR)

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1. Shiv Kant Jha S/o Late Payerelal Jha Resident of Village- Thikha Bahadurpur, P.S. - Goraul, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nand Kishore Rai, son of late Harihar Rai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manas Prakash
For the Opposite Party/s : Mr. Dr.Indiwar Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 26-06-2015 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 as well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Goraul P.S. Case No. 216 of 2014 registered for the offences punishable under Sections 420, 467, 468, 406, 120B of the Indian Penal Code.

It is an admitted position that petitioner executed registered sale deed in favour of wife of opposite party no. 2 but grievance of the opposite party no. 2 is that he could not get possession on the transferred land as the title of the petitioner in respect of the aforesaid land was disputed.

In my view, even if the prosecution story assumed to be true, then also, the fact of the case discloses only a civil dispute for which no prosecution can be launched.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in Goraul P.S. Case No. 216 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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