

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9657 of 2015

Arising Out of PS.Case No. -738 Year- 2014 Thana -SAHARSA District- SAHARSA

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1. Sudarshan Ram @ Sudarshan Sah Son of Late Surya Narayan Ram @ Surya Narayan Sah
 2. Satya Narayan Ram @ Satya Narayan Sah @ Satya Nr. Sah Son of-Late Surya Narayan Ram @ Surya Narayan Sah Both are residents of Village-Sahpur, P.S.-Sonbarsa Raj, District-Saharsa.
 3. Anila Devi Wife of Manoj Sharma
 4. Sunila Devi Wife of Santosh Sharma
 5. Yogendra Chaudhary Son of-Anarsi Pandey All are residents of Village-Sahmore, P.S.-Sonbarsa, District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Balbodh Gupta Son of Late Shivaji Sah Resident of Village-Sahpur, Ward No.7, P.S.-Sonbarsa, District-Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Ram Naresh Roy(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 10-03-2015 Power is filed on behalf of the informant.

Heard learned counsel for the petitioners, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Saharsa Police Station Case No. 738 of 2014 registered for the offences punishable under Sections 417, 418, 420, 467, 168, 120B, 323 of the Indian Penal Code.

Admittedly, petitioner nos. 1 and 2 transferred some lands in favour of petitioner no. 3 and 4 and petitioner no. 5 became witness on the sale deed. The contention on behalf of the petitioners is that the lands in question belonged to Surya Narayan Ram, who happened to be grand-father of the complainant and father of petitioner no. 1 and 2 and as a matter of fact, the ancestral property had never been partitioned. It is further contended by learned counsel that even if, the prosecution story assumed to be true, then also it is a case of civil dispute.

On the other hand, learned counsel appearing for the informant, vehemently, opposed the prayer arguing that petitioners were aware of this fact that the lands in question had fallen in the share of complainant but in spite of that they intentionally transferred the lands in question with intent to cheat the informant.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their 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, Saharsa in Saharsa Police Station Case No.

738 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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