

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36525 of 2014

Arising Out of PS.Case No. -92 Year- 2013 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Prabhu Prasad son of Late Tulsi Prasad,
 2. Awadhesh Prasad @ Awadhesh Singh son of Late Malik Singh
 3. Lallan Singh son of Late Ram Prasad Singh, All residents of village-
Ajagari, P.S.- Pakaridayal, District- East Champaran
 4. Mukesh Kumar son of Shiv Sagar Mahto, resident of village- Devapur
Lahsaniya, P.S.- Patahi, District- East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Binod Kumar No.3(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 27-03-2015

Heard the parties.

The petitioners herein apprehending their arrest in connection with Pakaridayal P.S. case no. 92 of 2013 registered under Sections 467,468,471,420, 323, 379 and 504 of the Indian Penal Code .

The aforesaid case emerged out of complaint case no. 377 of 2013 which was directed to be instituted by the Magistrate under Section 156(3) of the Code of Criminal Procedure.

Counsel for the petitioners has submitted that the prosecution case precisely is that the land of the complainant/

informant has been sold by the petitioner no.2 in favour of the petitioner no.1. The petitioner no.3 was a witness to the said execution of the sale-deed whereas petitioner no.4 prepared the deed.

Relying on the copy of the 'Khatiyani' as well as the land possession certificate (Annexure-3), it has been contended that the petitioner no.2 (transferor) had validly claimed title over the land and sold the same. In fact, it is a civil dispute which has given a shape of criminal case.

In view of the above, let the petitioners, named above, in the event of their arrest/surrender within four weeks from today before the Court below, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sikrahana, East Champaran at Motihari in connection with Pakaridayal P.S. case no. 92 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C. with following conditions:-

- (i) One of the bailors in each case shall be the own/close family member of the petitioners.
- (ii) As soon as the charges are framed



the petitioners shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, trial Court shall have liberty to cancel their bail bonds and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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