

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31835 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -MAJHAHGARH District- GOPALGANJ

- =====
1. Raj Mangal Mishra Son of Late Lottan Mishra Resident of village -
Paithan Patti, P.S. Manjhagarh, Distt. - Gopalganj
2. Bir Kumar Singh Son of Late Lallan Singh Resident of village - Kolhua,
P.S. Manjhagarh, Distt. - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar

For the Opposite Party/s : Mr. A.L.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 12-08-2015 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out of
Manjhagarh P.S. case No. 25 of 2015, disclosing offences under
Sections 406,467,468 and 471/34 of the Indian Penal Code.

It is alleged that petitioner no.1 executed sale deed in
favour of one Bankey Singh with respect to a land which in fact
belonged to the informant. Petitioner no.2 is witness of the said
sale deed.

Learned counsel for the petitioners submits that said land
was a raiyatee land of petitioner no.1 which he sold to one Bankey
Singh through the said sale deed.

Learned counsel appearing on behalf of the informant while opposing the prayer for bail, has submitted that title suit was filed which came to be decreed in favour of the informant with respect to the same land and by an act of fraud, the petitioner no.1 executed the said sale deed in favour of Bankey Singh.

Be that as it may, it prima facie appears, that there is a dispute of title over the property in question which according to the informant has already been settled up to the level of the second appeal.

If that be so, there being no chance of tampering with the evidence as the informant appear to be vigilant in pursuing the case and in view of the undertaking given by the learned counsel appearing on behalf of the petitioners that they would not be fleeing from the course of investigation or trial, I consider it to be a fit case for grant of anticipatory bail.

Accordingly, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in Manjhagarh P.S. Case No. 25 of 2015, subject to the conditions as laid down under Section 438(2)

of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall liable to be cancelled.

(Chakradhari Sharan Singh, J)

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