

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41969 of 2014

Arising Out of Complaint Case No. -176 Year- 2013 Thana -SAHARSA COMPLAINT CASE
District- SAHARSA

- =====
1. Umesh Das S/o Late Mishri Das
 2. Ram Chandra Das S/o Late Bhola Das
 3. Basdeo Das S/o Late Pachkauri Das
 4. Bhunay Das @ Bhuneshwar Das S/o Late Agar Das All Are Resident of Mohalla- Sant Nagar, P.S.+District- Saharsa.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Mishra
For the Opposite Party : Mr. Bharat Lal(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 26-06-2015 Heard learned counsel for the petitioners,
complainant and the State.

The four petitioners herein seek anticipatory bail in connection with complaint case no. 176C/2013 lodged by the complainant alleging that the petitioner no.2 creating a forged document of sale in respect of the land of the complainant in the year 1984 and 20 years thereafter produced the same for mutation.

According to the complainant, the subject land was purchased from the petitioner no.1 and some other person in the year 1980 whereafter mutation was made and allowed in the year

2013. It was revealed to the complainant that on the basis of a forged sale deed executed in the name of the complainant petitioner no.2 sought mutation of the subject land in his favour. Petitioner nos. 1,3 and 4 are alleged to have signed as witness to the execution of the sale deed.

Learned counsel for the petitioners submits that it is essential a civil dispute. The correctness of the sale deed is yet to be verified.

On the other hand, learned counsel for the complainant states that delay of more than 20 years in approaching the revenue authority itself creates a circumstance against the petitioner no.2.

Having considered the rival submissions, I am not inclined to extend the privilege of anticipatory bail to the petitioner no.2, namely, Ram Chandra Das. Prayer for bail is rejected.

Petitioner No.2 may surrender and seek for regular bail before the learned Court below. In that event the Court below shall consider and dispose of the same uninfluenced in any manner by the present order.

In so far as the petitioner nos. 1,3 and 4, namely, Umesh Das, Basdeo Das and Bhunay Das @ Bhuneshwar Das are

concerned, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, 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 the Chief Judicial Magistrate, Saharsa in connection with Complaint case no. 176C/2013, subject to the condition 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, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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