

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12132 of 2015

Arising Out of PS.Case No. -246 Year- 2013 Thana -COMPLAINT CASE District- JAMUI

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1. Kailash Mistri @ Kailash Sharma Son of Late Huro Mistri
2. Bishundeo Mistri Son of Late Huto Mistri
Both resident of village- Mahuli, Police Station - Khaira, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tuntun Mistry @ Tuntun Sharma, S/o Late Biranchi Sharma, R/o Vill. - Mahuli, P.s. - Khaira, District - Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv
For the Opposite Party/s : Mr. S.N.Shukla(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 09-07-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-420, 467, 468 and 120-B of the Indian Penal Code and that the only material to implicate them in complaint case seems to be execution of sale deed, despite their being some sort of partition in the family, this Court would find the present criminal case being basically in the nature of civil disputes. In that view of the matter, since the petitioners also claim that they have

got no criminal antecedent they would be entitled for privilege of anticipatory bail.

That being so, if the petitioners, namely, **Kailash Mistri and Bishundeo Mistri**, surrender within a period of four weeks from today, they would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of **Judicial Magistrate 1st Class, Jamui** in connection with **Complaint Case No. 246C of 2013**, subject to the conditions laid down under Section-438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any

change in the address of the petitioners.

(iii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

(iv) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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