

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10122 of 2015

Arising Out of PS.Case No. -435 Year- 2014 Thana -SONEPUR District- SARAN

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Gopal Kumar @ Gopal Rai, Son of Ambika Rai, resident of village-
Jahangirpur, P.S. - Sonepur, District- Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Singh, Sr. Advocate
Mr. Ajit Kumar, Adv.

For the Opposite Party/s : Mr. Rina Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

11 14-08-2015

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Sonepur P.S. Case No. 435 of 2014, disclosing offences under Sections 406, 420, 466, 467, 468, 471, 504 and 120B of the Indian Penal Code.

The petitioner is the son of the complainant/informant.

Allegedly, the complainant/informant had purchased certain land in her name in the year 1998 and her name was accordingly entered in the revenue records. The land, in question, was subsequently acquired by the State Government, for construction of N.H.-19. It is alleged that proceeds of the

compensation against the said acquisition, has been received by the petitioner fraudulently, in connivance with the employees of the Land Acquisition Office, though informant, in whose name the land stood, was entitled to receive the amount.

Learned Senior Counsel appearing on behalf of the petitioner has contended that the Petitioner had equal share in the property so acquired inasmuch as the land was purchased in the year 1998, by the father of the petitioner, though in the name of the informant. He has contended that the other brothers of the petitioner have instigated the informant to file the present criminal case. He further submits that the petitioner is ready to share with his mother and brothers, the part of the sale proceeds which he has received, proportionately. Learned Senior Counsel appears to be right in his submission that the dispute in question is primarily of civil nature, though it may have criminal consequence also.

In my opinion, no tangible purpose will be served if for an offence of the present nature, the petitioner is taken into custody. This application for anticipatory bail is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the

satisfaction of learned Additional Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur P.S. Case No. 435 of 2014, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

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

(Chakradhari Sharan Singh, J.)

Vats/-

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