

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37299 of 2014

Arising Out of PS.Case No. -1765 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Ramanand Pandit, S/o Chinagi Pandit.
 2. Anawati, W/o Ramanand Pandit.
- Both resident of Village Singhpur, P.S. Sathi, Dist. West Champaran, At present both resident of Village Mahna, P.S. Majhulia, Dist. West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jitendra Pandit, S/o Gaya Pandit, Resident of Vill. Singhpur, P.S. Sathi, Dist. West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Zainul Abedin(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 30-07-2015

Heard learned counsel for the parties.

The petitioners, facing prosecution for offence under Section 420 of the Indian Penal Code, have a cut out defence that the land actually belonged to them and when it was given in gift, to complainant of-course without any consideration, they cannot be made liable for offence under Section 420 of the Indian Penal Code or in fact for any criminal proceeding because, at the end of the day, if some sale deeds have been executed and the complainant himself claims to be forged and fabricated, the remedy for the complainant will be not by way of resorting to filing of a criminal case but only a civil suit.



This Court must accept the aforesaid defence of the petitioners for the present for the purposes of granting them with the privilege of anticipatory bail specially when they have also no criminal antecedent.

That being so, if the petitioners, namely, Ramanand Pandit and Anawati Devi surrender before the court below within a period of four weeks from today, they will 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 Sri D.K. Bhaskar, Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Complaint Case No. 1765-C/2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to 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 a close relative of the petitioners, who will undertake 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 bail on the ground of misuse.
- (iv) That the petitioners will be well represented on each and every date in course 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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