

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21941 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -GHANSHYAMPUR District- DARBHANGA

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1. Chandra Nath Jha son of Prabhu Narayan Jha
 2. Kusheshwar Chaudhary, son of Yadunandan Chaudhary
Both resident of vill-Korthu Tole Dath, P.S. Ghanshyampur, Dist.
Darbhanga.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vijay Kumar
For the Opposite Party : Mr. Sanjay Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 25-05-2015 Heard learned counsel for the petitioners, informant

and the APP.

The petitioner no. 1 the is purchaser of land (11
dhurs) from Gokaran Jha. Petitioner no.2 put his signature in the
registered document as identifier. Subsequent thereto the present
FIR has been lodged by the informant alleging that a decree was
already passed in his favour and against Gokaran Jha. The F.I.R.
vide Ghanshyampur P.S. case no. 21 of 2015 was accordingly
registered under Sections 420, 467, 468 and 471 of the IPC
alleging that when the informant was at the field and tried to
cultivate the same was objected by the petitioners who asserted
purchase and possession over the land and forcibly took the
signature on certain papers.

Contention of the petitioners is that the main culprit in this case is Gokaran Jha who having knowledge of the decree sold the land. It may possibly be a case where the petitioners have also been defrauded. The case essentially is civil in nature. In this regard, he has drawn attention of the Court to a case vide Misc. case no. 001 of 2014 for setting aside the ex -parte decree passed in Title suit no. 9 of 1996.

Learned counsel(s) for the State and the informant have opposed the prayer.

In that view of the matter, this Court is inclined to privilege the petitioners with anticipatory bail. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on anticipatory 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 learned Sub Divisional Judicial Magistrate, Biraul at Benipur (Darbhanga) in connection with Ghanshyampur P.S. case no.21 of 2015, G.R. No. 113 of 2015 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



members of the petitioner.

- (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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