

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25474 of 2014

Arising Out of PS.Case No. -356 Year- 2012 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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1. Vijay Kumar Yadav @ Vijay Yadav
2. Dinesh Kumar Yadav
3. Lal Babu Yadav
4. Nasib Kumar Yadav All are sons of Satya Narayan Yadav
5. Anil Kumar Yadav
6. Sunil Kumar Yadav Both are sons of Ram Sudhari Yadav All are resident
of village- Ban Maura, P.S.- Bithan, District- Samastipur

.... Petitioners

Versus

1. The State of Bihar
2. Ashok Chaudhary son of Late Jivnath Choudhary, resident of village-
Harauli, P.S.- Kusheshwar Asthan, District- Darbhanga

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Girish Chandra Jha, Advocate
For the State : Mr. Ambika Bhagat (Spl.Pp.)
For opposite party no. 2 : Mr. Shashi Bhushan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

6 24-04-2015 Heard the learned counsel for the
petitioners, opposite party no. 2 and the State.

This is a petition for grant of anticipatory
bail for offence under Sections 341, 323, 504, 420,
419, 467 and 468 of the Penal Code.

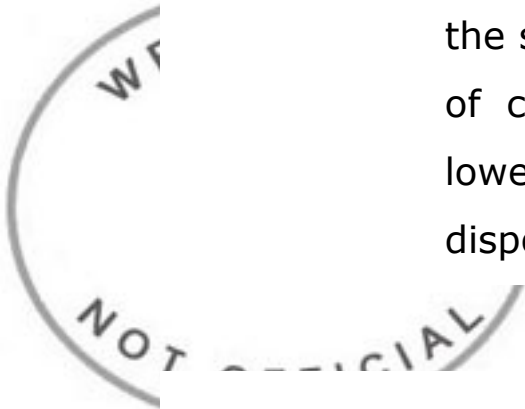
It is alleged that the sale deed has been
executed by forging the signature of the complainant
by impersonation. However, it has not been
mentioned that who has signed on whose behalf nor
there is any evidence of expert has been brought on
record to show that the signature of the petitioner is
not the signature on the sale deed alleged to be
executed in favour of the complaint. The learned



counsel for the petitioners submits that the petitioners purchased the land from the complaint, opposite party no. 2, Ashok Choudhary, and when the price of the land increased, the said land was re-sold to Bilat Rai, hence, the learned counsel for the petitioners claims that petitioners have purchased the land from Ashok Choudhary whereas the complainant, Ashok Choudhary, submits that he has not sold the land. However, the case based on the complaint, but, during the enquiry even no opinion of expert has been taken whether the signature is the signature of Ashok Choudhary or any one else and the only material during enquiry is the denial of the complainant and it is his signature. However, this matter will be looked into at the trial.

Hence, having regard to the facts and circumstances of the case, the petitioners, above named, in the event of their arrest or surrender, within four weeks from the date of receipt of this order, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with the C.R. No. 356 of 2012 to the satisfaction of the Additional Chief Judicial Magistrate, Benipur, Darbhanga, subject to the conditions laid down under Section 438(2) of the Criminal Procedure Code and the petitioners shall appear in person in Court on each and every date,

fixed in the case and any absence, on two consecutive dates, without any reasonable ground to the satisfaction of the Court below, shall be a ground of cancellation of bail of the petitioner(s) by the lower Court itself and the trial shall proceed for early disposal.



(Gopal Prasad, J)

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