

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12346 of 2015

Arising Out of PS.Case No. -369 Year- 2014 Thana -SONEPUR District- SARAN

1. Mahendra Sah Son of Late Kali Sah
2. Sanjay Sah Son of Late Kailash Sah Resident of Village- Bharpura,
Police Station- Sonepur, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Najmul Hoda
For the Opposite Party/s : Mr. D.P.Tiwary(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 01-05-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Sonepur Police Station Case No. 369 of 2014 registered for the
offences punishable under Sections 467,468,420/ 34 of the Indian
Penal Code.

It is pointed out that petitioner no. 2, namely Sanjay Sah
has been arrested by the police during pendency of this petition,
and, as such, the prayer for anticipatory bail of the petitioner no.2,
namely, Sanjay Sah has become infructuous. Accordingly, this
petition with respect to petitioner no.2, namely, Sanjay Sah, stands
dismissed being infructuous.

Learned counsel appearing for petitioner no. 1 pointed out that petitioner is co-sharer and as a matter of fact, the partition has not been taken place between the parties in respect of ancestral lands and so even if the prosecution story is assumed to be true, then also, at best, it is a case of civil nature.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition with respect to petitioner no. 1 is allowed and it is ordered that petitioner no. 1 namely, Mahendra Sah, in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Chapra in Sonapur Police Station Case No. 369 of 2014, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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