

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4794 of 2015

Arising Out of PS.Case No. -6 Year- 2014 Thana -CHAPRA MUFFASIL District- SARAN

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1. Bharat Manjhi S/o Late Shri Manjhi
2. Bhola Manjhi @ Bhola Manjhi S/o Late Shri Manjhi Both Resident of Village Sadha Khemaji Tola, Hem Nagar, P.S. Chapra (Muffassil), District Saran at Chapra (Bihar).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. M.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 15-05-2015

Heard both sides.

Learned counsel for the petitioners draws attention of the Court to the first page as well as the page on which the registration of the case has been endorsed by the officer in charge of the concerned police station. Looking to the same, the defect is ignored.

The petitioners apprehending their arrest in connection with Chapra Muffassil P.S. case no. 6 of 2014 instituted under Sections 420, 467,468,120B and 471 of the Indian Penal Code have prayed for grant of anticipatory bail.

The allegations contained in the First Information Report are essentially a civil dispute which required to be decided



by the Court of competent civil jurisdiction. The allegation is that the petitioners along with others created a forged power of attorney which was used for sale of the land. However, the land covered by the power of attorney has not been sold till date. It has been pointed out by the counsel for the petitioners that earlier to this a mutation proceeding was fought between the parties which was lost by the informant inasmuch as the compromise was entered between the parties. The same is part of the First Information Report. It is further submitted that accuseds similarly placed have been privileged with anticipatory bail vide order dated 22.9.2014 passed in Cr. Misc. no. 24555 of 2014. A web copy of the same has been handed in by counsel for the petitioners for perusal which is taken on record marked 'Y' for identification.

Taking into consideration the aforesaid facts emanating from the records, the petitioners, above named, in the even 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 bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffassil Police Station Case no. 06 of 2014, subject to the conditions as laid down under Section 438 (2)

of the Cr.P.C. with following conditions:-

- (1)

One of the bailors in each case shall be the own/close family member of the petitioners.
- (2)

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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