

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48426 of 2014

Arising Out of PS.Case No. -121 Year- 2014 Thana -FALKA District- KATIHAR

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1. Bidesi Thakur
2. Hari Thakur Both S/o Late Khokhai Thakur
3. Manju Devi W/o Bideshi Thakur All Resident of Village Bechu Tola,
Falka, P.S. Falka, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Anil Kumar Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 30-04-2015 This is an application seeking anticipatory bail in a case registered for the offences punishable under section 364 of the Indian Penal Code.

The concerned Falka PS case No. 121/2014 has been registered on the basis of a complaint instituted by the informant before learned Chief Judicial Magistrate, Katihar. From the complaint petition, it appears that informant's husband is said to be missing since 14.12.2010. The petitioners have been implicated only on the basis that the informant's husband had executed a sale deed in favour of petitioners in the year 2010.

Learned counsel appearing on behalf of the informant, on the other hand, has vehemently opposed the prayer and has submitted that there is strong reason to believe that it was the petitioners who had committed the offence and got the sale deed executed in their favour by inducement in the year 2010.

I find substance in the submission made on behalf of

the petitioners that the case has been instituted after four years from the alleged date of occurrence and there is no specific allegation against the petitioners on which offence under section 364 can be said to be constituted against him. It has been stated in paragraph 3 of the application that the petitioners have no criminal antecedent except one which was earlier instituted by father-in-law of the informant of the present case.

In view of submissions, as above, the petitioners Nos. 1, Bidesi Thakur and 3. Manju Devi in the event of their arrest/ surrender within a period of six weeks from today shall be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Katihar in connection with Falka PS case No. 121/14, subject to condition as laid down u/s 438(2) of the Code of Criminal Procedure.

(Chakradhari Sharan Singh, J)

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