

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43654 of 2014

Arising Out of PS.Case No. -145 Year- 2014 Thana -DAUDNAGAR District- AURANGABAD

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1. Birendra Sharma Son of Dudheshwar Sharma Resident of Village - Angrahi, P.S. - Daud Nagar, in the Distt. - Aurangabad
 2. Manindra Sharma Son of Dudheshwar Sharma Resident of Village - Angrahi, P.S. - Daud Nagar, in the Distt. - Aurangabad
 3. Awadhesh Kumar Singh Son of Late Rama Nand Singh Resident of Village - Angrahi, P.S. - Daud Nagar, in the Distt. - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Kumar Sagar Son of Dayanand Prasad R/o - Village - Angrahi, P.s. - Daud Nagar, in the Distt. - Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr.Advocate.
For the State : Mr. Yogendra Kumar(A.P.P.)
For the O.P.No.2 : Mr.Mrigendra Kumar, Advocate.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 16-04-2015 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State assisted by the informant.

The petitioners are apprehending their arrest in Daud Nagar P.S. Case No.145/14 for the offence under Sections 341, 323, 406, 420, 504 of the I.P.C. and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the allegation against the petitioners is that they have sold two trees belonging to the informant side. He further submits that there has been no partition between the family members of the informant

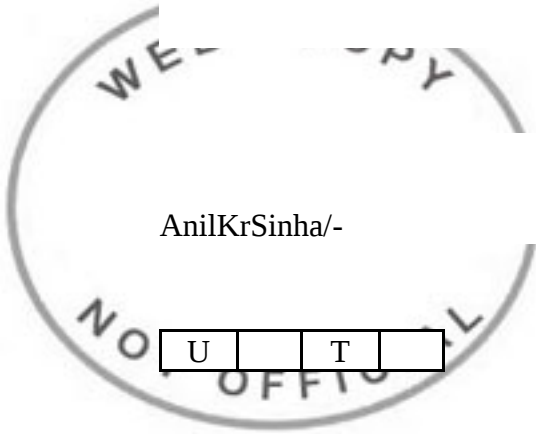


side and the petitioners and Partition Suit no.161/07 is pending adjudication before the court of Sub Judge-I, Aurangabad.Learned counsel further submits that during the pendency of the said partition suit forgery has been committed by some unknown persons for which criminal case bearing Cr.Misc. No.1/14 has been filed on behalf of the petitioners no.1 and 2 when they came to know that forged signature has been brought on the record of partition suit.

Learned counsel for the informant submits that the petitioners have criminal antecedent and, therefore, they should not be extended the privilege of anticipatory bail. But however learned counsel for the petitioners submits that the case which is being referred to Complaint Case no.85/14 in which after investigation no charge sheet has been submitted till date and, therefore, the same has not been brought on record.

Considering the aforementioned submissions and the nature of allegation and also the fact that the partition suit between the parties is pending, let the petitioners, above named, in the event of their arrest or surrender before the court below within two weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Daud Nagar, Aurangabad, in Daud

Nagar P.S. Case No.145/14 subject to the conditions as laid down
under Section 438(2) of Cr.P.C.



AnilKrSinha/-

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(Anjana Mishra, J)