

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30683 of 2014

Arising Out of PS.Case No. -190 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

- =====
1. Balendra Kumar Singh @ Balendra Pd. Singh
 2. Surendra Prasad Singh
- Both are sons of Late Ganga Bishun Singh @ Ganga Bishun Ram
3. Chandan Kumar son of Surendra Prasad Singh All are residents of
village - Kul, P.S. Nalanda, District - Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.31966 of 2014

Arising Out of PS.Case No. -190 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

- =====
1. Surendra Prasad Singh Son of Late Ganga Bishun Singh @ Ganga
Bishun Ram
 2. Chandan Kumar Son of Surendra Prasad Singh Both residents of
village- Kul, P.S.- Nalanda, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.30683 of 2014)

For the Petitioner/s : Mr. Sudama Singh
Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. APP

For the Complainant : Mr. Nilesh Kumar

(In Cr.Misc. No.31966 of 2014)

For the Petitioner/s : Mr. Sudama Singh
Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. APP

For the Complainant : Mr. Nilesh Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 14-01-2015 Since both the petitions filed under Section 438 Cr.
P.C. arise out of a common complaint case, therefore, both the
matters have been heard together and are being disposed of by
this common order.

At the very outset it is to be noted that Cr. Misc. No. 30683 of 2014 filed on behalf of the petitioner nos. 2 and 3 was disposed of as withdrawn by an order dated 21.7.2014 with a liberty to file fresh petition. Accordingly, they filed separate petition vide Cr. Misc. No. 31966 of 2014.

The petitioner no. 1-Balendra Kumar Singh @ Balendra Pd. Singh of Cr. Misc. No. 30683 of 2014 and the petitioners of Cr. Misc. No. 31966 of 2014 apprehend their arrest in a criminal prosecution based on a complaint case for offences under Section 420, 467 and 468/34 of the Indian Penal Code.

From the plain reading of the complaint petition vide Annexure-1, it appears that there is a bonafide dispute between the parties with respect to certain transactions made by them with respect to the lands under dispute.

Learned counsel appearing on behalf of the petitioners has submitted that Title Suit No. 115 of 2014 is also pending between the parties with respect to the said land in which the complainant of the present case is defendant and two of the petitioners are the plaintiffs.

Taking into consideration the aforesaid aspect, the prayer for anticipatory bail is allowed.

In the event of their arrest or surrender in the court below within a period of four weeks from today, the petitioners, namely, Balendra Kumar Singhy @ Balendra Pd. Singh, Surendra Prasad Singh & Chandan Kumar shall be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Biharsharif, Nalanda in connection with Complaint Case No. 190(C) of 2014, subject to the condition as laid down



under Section 438(2) of the Cr. P. C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,
- (B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and
- (C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Prasad Verma, J)

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