

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12598 of 2016

Arising Out of PS.Case No. -893 Year- 2014 Thana -KHAZANIHAT District- PURNIA

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1. Dilip Kumar Bishwas son of Late Dhorai Lal Bishws
 2. Anirudh Bishwas @ Anirudh Prasad Bishwas son of Late Dhorai Lal Bishwas
 3. Vidyanand Bishwas son of Late Dhorai Lal Bishwas All of Village-Garia Chakani, P.S. & District- Araria.
 4. Chanchla Devi wife of Vidya Nand Bishwas
 5. Vidya Nand Bishwas son of Late Anup Lal Bishwas Both of Village-Simal Gachhi, P.S.- Sadar Muffasil (Ranipatra) District- Araria.
 6. Laxman Kumar Singh son of Dikshwar Prasad Singh of Village-Singaria, P.S. Kasba, District- Purnea.
 7. Kamaldeo Prasad Singh son of Shobhit Lal Bishwas of Village-Simalgachhi, P.S.- Sadar Muffasil (Ranipatra), District- Purnea.
 8. Ratan Lal Bishwas son of Late Badri Lal Bishwas of Village Chikni Garia, P.S. & District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Ajay Kr. 2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 17-03-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 120B and 504 of the Indian Penal Code.

The prosecution case is that petitioner nos.

1, 2, 3 namely Dilip Kumar Bishwas, Anirudh Biswas,



Vidyanand Bishwas and co-accused Fuso Devi executed sale deed with regard to the land of the informant in favour of petitioner nos. 4 and 5 namely Chanchla Devi and Vidyanand Bishwas son of Late Anul Lal Bishwas and petitioner nos. 6, 7 and 8, namely, Laxman Kumar Singh, Kamaldeo Prasad Singh and Ratan Lal Bishwas are the witnesses and identifier of the sale deed.

It is submitted by learned counsel for the petitioners that though the petitioners earlier preferred anticipatory bail application before the learned Sessions judge which was permitted to be withdrawn, but subsequently on conclusion of the investigation final form was submitted and petitioners were not sent up for trial but differing with the final form order of cognizance was passed on 19.01.2016, hence, the present application has been filed. The petitioners claimed the land by virtue of a decree passed in Title Suit.

It is submitted by learned counsel for the informant that the land in question is recorded in the name of the informant side and by misappropriating the decree passed in title suit the sale deed was executed by the petitioners. Moreover, a wrong statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that on conclusion of the investigation the accusation was found false and a statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat P.S. Case No. 893 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners will be accepted by the learned court below on verification of the fact that the petitioners have no criminal antecedent, but if it is found that the petitioners have criminal antecedent, in that eventuality the concerned petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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