

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28538 of 2016

Arising Out of PS.Case No. -364 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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1. Abhinav Singh S/o - Late Mukhdev Singh
 2. Bhuneshwar Singh S/o - Late Mukhdev Singh Both R/o - Village :
Dumri, P.S. - Doriganj, District - Saran, Presently residing at Village -
Dhanpura, Tola Simar Toka, P.S. - Bakhtiyarpur, District - Saharsa.
 3. Siyaram Ram S/o - Shri Badri Ram R/o Village - Dumri, P.S. - Doriganj,
District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nirmala Devi W/o - Mohan Mahto R/o - Village - Dhanpura, Tola
Kawayi, Ward No. 1, P.S. - Simri Bakhtiyarpur, District - Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar

For the Opposite Party/s : Mr. Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 23-12-2016 Heard the counsel for the petitioners and the
complainant/informant.

Counsel for the petitioners referring to the previous order passed in the proceeding, states that he has no instruction with regard to hading over possession of the subject land, as such, he is unable to press the application on behalf of petitioner nos. 1 and 2 Abhinav Singh and Bhuneshwar Singh, respectively.

As prayed, the application on behalf of the said petitioners is dismissed as not pressed.

Petitioner no.3 prays for grant of anticipatory bail in Bakhtiyarpur P.S. Case No. 364 of 2015 which originates from Complaint Case No. 59 of 2015 registered under sections 420, 467



& 468 IPC. The allegation, in brief, is that petitioner nos. 1 and 2 sold a piece of land in favour of the informant which was earlier sold by their father in 1983. Petitioner no.3 is said to be an associate of the seller.

It is submitted that except the allegation levelled in the complaint, there is nothing on record to show that the petitioner no.3 was either the agnate of the seller or a witness to the execution of the sale deed.

Considering the above, let petitioner no.3 above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Bakhtiyarpur P.S. Case No. 364 of 2015 on condition that one of the bailors of the petitioner shall be his own/close family member. In the event of framing of charge, the petitioner shall appear in person each date fixed at the trial. In case of default in doing so on two consecutive dates, the trial court shall have liberty to cancel his bail bonds and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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