

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42624 of 2016

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1. ANUP KUMAR TIWARI @ ANUP TIWARI Son of Late Siyaram Tiwari
2. Raj Kishore Giri Son of Shiv Bachan Giri
3. Ahilya Devi Wife of Umesh Giri
4. Hare Ram Giri Son of Shiv Bachan Giri All residents of Village Bawandih Bangra Ke Mathia P.S. Siswan (Chainpur O.P.) District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 19-10-2016 Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of Sishwan (Chainpur O.P.) P. S. Case No. 75 of 2016, disclosing offences under Sections 420,467,468,471/34 of the Indian Penal Code.

It is the case of the informant that share, which was allotted in his favour in a proceeding before permanent *Lok Adalat*, Siwan has been sold by accused Pratima Kumari, the mother of petitioner No.1. The said Pratima Kumari said to have died. Petitioner No.1 is co-sharer and the petitioner Nos. 2 to 4 are vendors.

Learned counsel for the petitioners has submitted that a

dispute of purely civil nature has been given colour of a criminal case. He has also submitted that the permanent *Lok Adalat* did not have any jurisdiction to entertain a partition suit and prepare award.

Learned counsel appearing on behalf of the informant has vehemently opposed the prayer for anticipatory bail and has submitted that by connivance, the petitioners have played fraud and the land which had fallen in the share of the informant has been fraudulently sold in favour of the vendees.

However, considering the nature of dispute between the parties, this application is allowed. Let the petitioners above named in the event of their arrest/surrender within four weeks from today in the court below be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in Siwan (Chainpur O.P.) P. S. Case No. 75 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail

bonds shall be liable to be cancelled.



(Chakradhari Sharan Singh, J)