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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43114 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -VALMIKINAGAR District- WESTCHAMPARAN(BETTIAH)

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1. Vinod Ram son of Late Kanchan Ram resident of Village- Bijaypur, P.S.- Valmikinagar, District- West Champaran.
2. Prabhat Chandra Sharma son of Late Mishri Lal Sharma
3. Geeta Devi wife of Prabhat Chandra Sharma

Petitioner Nos. 2 and 3 are residents of Village- Narayanpur, P.S.- Bagha, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ajay Kumar Thakaur, Advocate
Mr. Ravi Ranjan, Advocate
For the Opposite Party/s : Mrs Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-10-2016 Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 420 and 468/34 of the Indian Penal Code.

As per prosecution case, the husband of the informant is alleged to have sold the land in question, which was allegedly in the share of the informant and her children and the sale deed for the aforesaid land was executed on 26.12.2014 under the influence of liquor by the husband of the informant.

The learned counsel appearing on behalf of the petitioners submits that the sale deed was executed on 26.12.2014 by the husband of the informant after receiving valid consideration amount in favour of the petitioner no.3. It is contended that the petitioner no.2 is the husband of petitioner no.3 and petitioner no.1 is said to be a witness of the sale deed executed by the husband of

the informant. According to him, no criminal offence is, at all, made out and the entire dispute would be at best the dispute of civil nature.

The learned Addl.P.P. appearing on behalf of the State has opposed the prayer but has not been able to dispute the aforesaid submissions.

Taking into consideration the nature of allegations, as disclosed in the First Information report, vide Annexure-2, and also taking into consideration the fact that admittedly sale deed was executed by the husband of the informant on 26.12.2014, though allegedly under the influence of liquor, but the present case was filed on 14.03.2016 i.e. after a delay of more than one year and further taking into consideration the fact that the petitioners are said to be the first offenders, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail.

In the event of arrest or surrender in the court below within a period of four weeks from today, let the above named three petitioners be released on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bagaha, West Champaran in connection with Balmikinagar P.S.Case No. 14 of 2016, subject to the conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

(A) one of the bailors of each petitioners must be a government servant or close family member of the petitioners, who will file an affidavit in the court below showing their 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 bail bonds 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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