

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12112 of 2016

Arising Out of PS.Case No. -262 Year- 2014 Thana -KARPI District- JEHANABAD

- =====
1. Mossmat Kusum Kuer wife of Late Ram Lakhan Prasad Srivastav,
 2. Gautam Kumar @ Gautam Kumar Srivastav son of Late Ramjee Prasad Srivastav
 3. Vijay Kumar sosn of Rajeshwar Yadav
 4. Shambhu Kumar son of Parmeshwar Yadav
- All are residents of village- Khalilpur, P.S.- Karpi, District- Arwal
5. Anil Kumar Singh @ Anil Kumar son of Rajballabh Yadav, resident of village- Koharul, P.S.- Karpi, District- Arwal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha
For the Opposite Party/s : Mr. P.K.Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 18-03-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Karpi P.S. Case No. 262 of 2014 registered under sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

It is contended that initially a complaint was filed which was referred to the police under section 156(3) of the Code of Criminal Procedure for investigation pursuant to which an FIR was instituted. It is further contended that the ingredients of the offences alleged are not attracted to the fact of the present case.

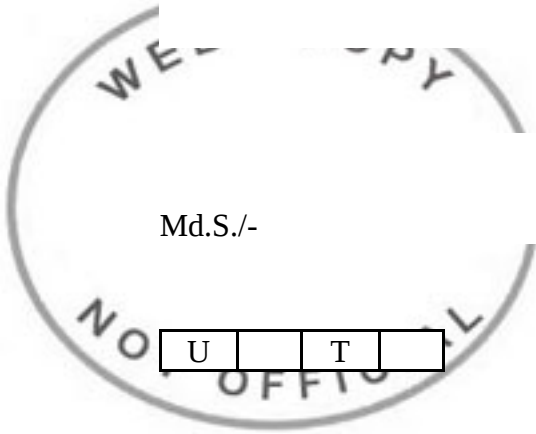


The informant of the case is not the purchaser and the petitioners did not impersonate any one. The petitioners no.2 and 3 are alleged to have executed the sale deed in favour of Vijay Kumar and Anil Kumar Singh, accused no. 8 and 9. The accused no.8 and 9 have not filed any complaint against the petitioners. In any case, the person aggrieved would be the purchaser and not the informant of the case. It is further contended that the petitioner no.2 has filed a title suit bearing Title Suit No.173 of 2014 against the informant of the case praying therein that the two impugned sale deeds dated 6.8.2012 and 8.7.2013 purported to be executed by him in favour of Beshlal Ram is void and not binding against him besides other reliefs and the said title suit is pending for adjudication before the competent civil court.

Learned counsel for the State has opposed the application for grant of anticipatory bail.

Regard being had to the nature of offence and the arguments advanced at the Bar, in the event of arrest or surrender before the court below within six weeks from today, the above named petitioners are directed to be released on bail 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, Arwal in connection with Karpi P.S. Case No.262 of

2014 subject to the conditions as laid down under section 438(2)
of the Code of Criminal Procedure.



(Ashwani Kumar Singh, J)