

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13347 of 2016

Arising Out of PS.Case No. -263 Year- 2015 Thana -SONEPUR District- SARAN

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1. Ramjeet Rai son of late Butan Rai
 2. Hari Dayal Rai son of late Devendra Rai
 3. Ganesh Sharma son of Late Ram Ishwar Sharma
 4. Pramod Rai son of Ramjeet Rai All are residents of Village - Purandih,
P.S. - Derani, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhaw Prasad Yadaw

For the Opposite Party/s : Mr. Dr.Kumar Uday Pratap (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 26-05-2016

Heard.

The four petitioners herein seek anticipatory bail in
Sonepur P.S. case no. 263 of 2015 registered under Sections
420,467,468,471 and 120B of the IPC.

The complainant/informant has alleged that he is
lawful purchaser of 2 katha 10 dhurs of land but one Moti Devi
in conspiracy with accused- petitioner Ramjeet Rai created a sale
deed in favour of the petitioner no.1. A complaint was filed which
was later treated as an FIR.

On perusal of the FIR, as also the averments made in
paragraph nos. 7 ,8 9 and 10, it appears that there is a dispute

with respect to the subject land between the parties. The informant himself has filed a Title suit in respect of the subject land against the vendor and purchaser of the subject land. So far as the other petitioners are concerned, it is not alleged that they were also purchasers.

Learned APP, on going through the case diary as well as the impugned order, has submitted that a dispute with respect to the subject land exists between the parties. Prima facie, a civil dispute between the parties has been given the shape and colour of a criminal case.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, 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 the learned ACJM, Saran at Chapra in connection with Sonapur P.S. case no. 263 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner(s).



(ii) As soon as the charges are framed the petitioner(s) shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner(s) and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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