

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26533 of 2011

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1. Rakesh Ram S/O Late Nathuni Ram Mohalla Ambedkar Colony
Baswariya P.S. Bettiah Town Distt. West Champaran
 2. Kailash Ram S/O Late Mangru Ram Mohalla Ambedkar Colony
Baswariya P.S. Bettiah Town Distt. West Champaran
 3. Parmeshwar Ram S/O Late Vishun Ram Mohalla Ambedkar Colony
Baswariya P.S. Bettiah Town Distt. West Champaran
 4. Ramesh Ram S/O Late Vishun Ram Mohalla Ambedkar Colony
Baswariya P.S. Bettiah Town Distt. West Champaran
 5. Mohan Ram S/O Basudev Ram Mohalla Ambedkar Colony Baswariya
P.S. Bettiah Town Distt. West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. M. Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 10-11-2016 Heard learned counsel for the petitioners and Mr.

Dayal APP for the State.

The petitioners pray for grant of anticipatory bail in
connection with Bettiah town P.S. case no. 262 of 2011 registered
under Sections 447, 379 and 427/34 of the IPC.

In relation to an occurrence stated to have been
committed on 20.05.2011, the First Information Report was
lodged on 03.06.2011 alleging that the informant had purchased
the land and dumped few construction materials which was
removed by the petitioners who belonged to one family. Upon

filing of the anticipatory bail application notice was issued to the informant and interim stay was granted. In spite of service of notice, no one has appeared on behalf of the informant.

It is submitted with reference to Annexure-2 that the subject land was purchased in the year 2003 in the name of the daughter-in-law and wife of petitioner no.2 inasmuch a proceeding under Section 107 Cr. P.C. was also initiated at the instance of the petitioners against the present informant. Indisputably, the informant is not an eye-witness to the occurrence and no stolen articles were recovered from the possession of the petitioners. They being the bonafide purchasers of the land cannot be hauled up for committing theft, particularly, when the informant has not disclosed the document through which the land was purchased by him.

Considering the facts and circumstances of the case, this Court is inclined to extend them the privilege of anticipatory bail. 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 C.J.M. Bettiah, West Champaran, in connection with Bettiah Town P.S.

case no. 262 of 2011, 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 petitioners.
- (ii) As soon as the charges are framed the petitioners 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 petitioners and secure their arrest in accordance with law.

Shyam/-

(Kishore Kumar Mandal, J)

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