

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47940 of 2016

Arising Out of PS.Case No. -52 Year- 2016 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

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Birendra Ray, son of Bunda Ray, resident of village Dhangad Toli Road,
Ramnagar Ward No. 4, P.S.- Ramnagar, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Geeta Devi, wife of Gopal Sah, resident of Thakurwari Tola, Ramnagar,
Ward No. 4, P.S.- Ramnagar, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Arun Kumar Singh -5, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 08-12-2016 Heard the Counsel for the petitioner and the APP for
the State.

Apprehending his arrest in Ramnagar P.S. Case No.
52 of 2016 registered under sections 420, 406, 385, 323, 506,
504/34 of the Indian Penal Code, the present application is filed
for grant of anticipatory bail.

According to the prosecution case, an agreement to
sale was executed by the petitioner on 04.02.2011 in favour of the
informant. Five years later, she filed the present case alleging that
when she went to construct the house, the same was objected as if
it was not the property of the informant. Learned counsel submits
that even according to the prosecution, no sale deed was ever
executed pursuant to agreement to sale in favour of the informant.
A civil dispute has been given shape of the criminal prosecution.
However, for obtaining the privilege of anticipatory bail, the



petitioner would be ready and willing to deposit part/portion of the alleged amount allegedly cheated by the petitioner subject to the result of the case and without prejudice to his right and contention in the case.

Considering the above, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Bagaha, West Champaran in Ramnagar P.S. Case No. 52 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) Along with the bail bonds, the petitioner shall produce demand draft or receipt showing deposit of Rs. 55,000/- (fifty five thousand) in favour of the informant, which she would be entitled to receive, without prejudice to the right and contention of the petitioner in the case and shall abide by the final outcome of the proceeding.

(Kishore Kumar Mandal, J)

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