

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38114 of 2016

Arising Out of PS.Case No. -224 Year- 2016 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Yogi Tiwari S/o - Late Mahadeo Tiwari,
2. Narendra Tiwari, S/o- Yogi Tiwari.
3. Manoranjan Pandey S/o Bachhan Pandey
4. Vishwash Shukla S/o Late Paras Shukla,
5. Rajesh Shukla @ Rajesh Kumar S/o- Late Chandrika Shukla
6. Rakesh Shukla S/o Shri Narayan Shukla,
All are residents of village- Baswariya, P.S. Muffasil Motihari, District-
East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 09-09-2016 Heard Mr. Nafisuzzoha, learned counsel for the

petitioners, Mr. S.Ehteshamuddin, learned Addl. Public Prosecutor

as well as Sri Prateek Tandon, learned counsel, who has

voluntarily appeared on behalf of the complainant/informant.

Six petitioners, apprehending their arrest in
Muffasil Motihari P.S. Case No.224/2016, G.R. No.3020/2016
registered for the offence under Sections 420, 120B, 467, 468,
469, 506 of the Indian Penal Code, have prayed for grant of bail,
in the event of their arrest or surrender.

It was submitted by learned counsel for the
petitioners that the present case was instituted on the basis of a



complaint petition, which was initially registered as Complaint Case No.911/2016, which was referred to the police under Section 156(3) of the Code of Criminal Procedure for registering F.I.R. and thereafter the present F.I.R. was lodged. It has been argued that petitioner no.1 is none else but own brother of the complainant/informant of the present case. He further submits that from his share, he had transferred some land to petitioner nos. 3 and 4. In the said transaction, petitioner no.5 and 6 stood as witness. So far petitioner no.2 is concerned; he is son of petitioner no.1. It has been submitted that in civil dispute, a colour of criminal offence has been given and all petitioners have been made accused.

Learned Addl. Public Prosecutor and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioners. It was submitted by Sri Prateek Tandon, learned counsel for the complainant/informant that petitioner no.1 without any right and title over the land in question had transferred the land illegally to accused persons and others.

Keeping in view the nature of accusation and relation of the informant with petitioner no.1, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail to the petitioners. Accordingly, let aforesaid six

petitioners, namely, (i) Yogi Tiwari (ii) Narendra Tiwari (iii) Manoranjan Pandey (iv) Vishwash Shukla (v) Rajesh Shukla @ Rajesh Kumar and (vi) Rakesh Shukla, in the event of their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Muffasil Motihari P.S. Case No.224/2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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