

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40961 of 2016

Arising Out of PS.Case No. -67 Year- 2016 Thana -BIBHUTIPUR District- SAMASTIPUR

- =====
1. Pranita Devi @ Pratima Devi, wife of Rajendra Giri
 2. Rajendra Giri, son of Late Ajab Giri. Both are residents of Village-Alampur, Kodariya, P.S.-Bibhutipur, District-Samastipur
 3. Hare Ram Mahto, son of Bidan Mahto, Katib, Resident of Village-Purani Bhirha, Pargana- Jakhalpur, P.S.-Rosera, District-Samastipur.. Petitioner/s
- Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sri Harendra Prasad, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 26-09-2016

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Bibhutipur P.S. Case No. 67 of 2016, disclosing offences under Sections 467, 468, 469 and 420 of the Indian Penal Code.

A complaint petition filed by the informant is basis for registration of First Information Report under Section 156(3) of the Code of Criminal Procedure. It is alleged that in the garb of execution of mortgage deed in favour of the petitioner, the petitioner in a well hatched up conspiracy made the informant to sign on the sale deed taking advantage of the fact that she is an illiterate lady.

Learned counsel appearing on behalf of the petitioners has submitted that the dispute as raised in the complaint petition is purely civil in nature which is being given a colour of criminal

case. It appears from the contents of the complaint petition and which fact is not in dispute that in the deed in question, an amount of Rs. 50,000/- has been mentioned as the consideration money. Learned counsel appears to be right in his submission that the dispute is purely of civil nature.

Considering the submissions as above, this application is allowed.

Let the petitioners, above-named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Rosera, District-Samastipur in connection with Bibhutipur P.S. Case No. 67 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-c

U		T	
---	--	---	--