

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53143 of 2015

Arising Out of PS.Case No. -164 Year- 2013 Thana -CHENARI District- SASARAM (ROHTAS)

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1. Jitendra Kumar Singh @ Jitendra Singh S/o Shri Nagehwar Singh
 2. Bajrangi Singh S/o Raju Singh
 3. Raju Singh s/o late Kailash Singh All are Resident of Mohalla- Chota telpa (Rawal tola) P.S chapra town, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Ranjan S/o Dr. Nagendra Prasad R/o vill Banauli, P.S. Chenari, Dist. Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar

For the Opposite Party/s : Mr. Ram Sumiran Rai(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

3 09-02-2016 Heard Mr. Dharmesh Kumar for the petitioner and
Mr. Ashok Kumar who has appeared on behalf of the informant.

The three petitioners herein belonged to one family and are facing accusations punishable under Sections 419, 420, 406, 506, 384,364, and 120(B) of the IPC vide Chenari P.S. case no. 164 of 2013.

In substance, the allegation is that the petitioner no.3 on a representation received certain amounts thorough cash and cheque for sale of land in favour of Phulbadan Devi (mother- in-law of the informant) but the sale deed was not executed. When they demanded the money, it is alleged that he was threatened and an attempt to kidnap the informant was also made which was

not successful.

Contention of the petitioners is that earlier to this the petitioners had filed a complaint case against the mother-in-law of the informant with respect to non execution of the sale deed even after receipt of the money. Subsequent thereto on 7.10.2013 Phulbadan Devi executed a sale deed in favour of petitioner no.3 in which the informant and his wife signed as a witness. It is stated that in consideration of the amount received by the petitioners a sale deed was later executed by the petitioners in favour of the brother-in-law of the informant on 12.4.2014. On the basis of these facts, it has been submitted that a dispute of civil nature has been given the colour of a criminal case.

Mr. Ashok Kumar appearing for the informant pointed out that for execution of the sale deed dated 12.4.2014 (Annexure-3) separate consideration amount was paid to the petitioner no.3.

Be that as it may, considering the facts and circumstances of the case, in my view, the petitioners deserve to be privileged with anticipatory bail. In the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on anticipatory 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 Chief Judicial Magistrate, Sasaram in connection with Chenari P.S. case no. 164 of 2013, 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) No sooner 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.

(Kishore Kumar Mandal, J)

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