

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18788 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

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1. Lalbabu Pandey, son of Late Nathuni Pandey,
2. Pushpendra Pandey, son of Lalbabu Pandey, both are resident of Village-
Rampur Khajuriya, P.S.- Dumariya Ghat, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-05-2017 Heard the parties.

The petitioners are apprehending their arrest in connection with Dumariya Ghat P.S.Case No.15 of 2017, registered for offences punishable under Sections 341, 323, 504, 506, 379, 354(A)/354(B)/420, 406, 467, 468, 471, 384 & 386 of the Indian Penal Code.

Allegation against the petitioners is that they executed sale-deed with respect to a land, which has already been gifted to the 'Bhabhi' of petitioner No.1, as such they have cheated the complainant/informant.

It is submitted on behalf of the petitioners that altogether there was one 01 katha and 10 dhur of land, which the petitioners



sold on consideration amount of Rs.1,10,000/-, which belongs to their share, wherein she has got no share, as such a false and concocted case has been lodged against the petitioners.

Heard learned A.P.P. and learned counsel for the informant. The learned counsel for the informant has opposed the prayer for anticipatory bail on the ground that the said land was gifted by the father of petitioner no.1 in favour of his daughter-in-law, which has been executed by the petitioners.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant anticipatory bail to petitioner no.1 (Lalbabu Pandey), however, the petitioner No.1 is directed to surrender before the learned court below within a period of six weeks and make prayer for regular bail, which will be considered by the learned court below without being prejudiced by the order of this Court.

So far petitioner no.2 (Pushpendra Pandey) is concerned, in the event of arrest or surrender before the court below within a period of six weeks, he be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Motihari, East Champaran in connection with Dumariya-ghat P.S.Case No.15 of 2017, subject to conditions as laid down under Section 438 (2) of



the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is disposed
of.

(Vinod Kumar Sinha, J)

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