

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17943 of 2017

Arising Out of PS.Case No. -237 Year- 2016 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

- =====
1. Rajendra Prasad Sharma, Son of Late Ram Awatar Sharma,
 2. Indu Devi, Wife of Sri Rajendra Prasad Sharma.
 3. Ashwini Kumar @ Ashwani Kumar, Son of Sri Rajendra Prasad Sharma.
 4. Abhishek Kumar, Son of Sri Rajendra Prasad Sharma.
 5. Rakhi Kumari, wife of Ashwini Kumar.
 6. Supriya Kumari @ Supiriya Kumari, Wife of Abhishek Kumar, All are resident of Professor Colony, West Church Road, Gaya, Police Station-Rampur in the district of Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Jyoti Kumar, Son of Sri Rajendra Prasad Sharma, resident of Flat No. 604, R.D. Palace, Pani Tanki Road, Boring Road, Police Station-Sri Krishnapuri in the district of Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.
For the complainant : Mr. Binod Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 27-04-2017 Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Complaint Case No. 237 of 2016, registered under Sections 406, 192, 467, 468, 420, 120(B), 341, 504 of the Indian Penal Code.

Allegation against the petitioner no.1 is that he has executed a sale deed with respect to the land which does not belong to the petitioners.



It has been submitted on behalf of the petitioners that the petitioner no.1, after partition of the land, sold the land just to keep proper care to the complainant, who was minor at that time and for other expenses also. There is no ill-motive and the complainant is the son of petitioner no.1.

Heard learned Additional P.P. as well as learned counsel for the complainant. They have opposed the prayer for anticipatory bail stating that the petitioner no.1 has sold the land which does not belong to him and the main allegation is against petitioner no.1.

Considering the allegation so far the petitioner no.1- Rajendra Prasad Sharma is concerned, I am not inclined to grant anticipatory bail to him. The prayer is, accordingly, rejected.

However, the petitioner no.1 is directed to surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below without being prejudiced by the order of this Court.

However, in view of the fact that the petitioner No.2 to 6, namely, Indu Devi, Ashwini Kumar @ Ashwani Kumar, Abhishek Kumar, Rakhi Kumari and Supriya Kumari @ Supiriya Kumari, are family members of petitioner no.1 and no specific allegation is against them, hence in the event of arrest or surrender



in the court below within a period of six weeks, they be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Complaint Case No. 237 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that the petitioners shall co-operate in the trial and make themselves available before the court as and when required and in the event of failure on their part to appear before the court on two consecutive dates, the prosecution shall be free to move for cancellation of their bail bonds and further petitioners will not induce any witness or tamper with the evidence.

(Vinod Kumar Sinha, J)

BTiwary/-

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

