

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16932 of 2017

Arising Out of PS.Case No. -146 Year- 2016 Thana -SHEOHAR District- SHEOHAR

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1. Birendra Sah, Son of Late Siyaram Sah,
 2. Devender Sah, Son of Late Siyaram Sah,
 3. Bhikhari Sah, Son of Parikshan Sah, Resident of Village- Jafarpur,
P.S.- Sheohar, District- Sheohar.
 4. Achaylal Sah, Son of Late Amarit Sah, Resident of Village- Madhopur
Anant, P.S.- Sheohar, District- Sheohar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate.

For the Opposite Party/s : Smt. Anusuiya Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 11-05-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Sheohar P.S.
Case No. 146 of 2016 instituted for the offence under Sections 379,
420, 467, 406,504, 34, 120(B) and 471 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that
there is land dispute between the parties.

Initially case was registered on the basis of complaint and
police submitted Final Form in the case stating that the matter is of civil
dispute, but the court below on the basis of material in the case diary
took cognizance against the petitioner for the offence under Sections
323, 420, 467, 468 and 471 of the Indian Penal Code.

From perusal of the complaint petition it appears that the



matter is purely of civil dispute.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Sheohar P.S. Case No. 146 of 2016, they shall be released on anticipatory 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, Sheohar, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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