

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38303 of 2017

Arising Out of PS.Case No. -443 Year- 2016 Thana -SHIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Heera Yadav, Son of Late Tisa Yadav null
2. Bharat Yadav S/o Late Sheonandan Yadav
3. Chhotelal Yadav S/o Late Indradeo Yadav All are resident of Village-
Bhadbhadawa, P.S.- Purushottampur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Shikarpur P.S. Case No. 443 of 2016 instituted for the offence under Sections-406, 420, 467, 469, 504, 120(B) of the Indian Penal Code.

Counsel for the petitioners has submitted that the matter is purely of civil dispute. Title Suit No. 296 of 2006 is also pending between the parties. The said Title Suit has been filed by informant Tulsi Yadav and his two brothers against the petitioner No. 1 Heera Yadav and his brother Jawahar Yadav in the court of Sub Judge, Bettiah, West Champaran, in which, petition for injunction filed by the plaintiff was dismissed.

In the written report, it is alleged that the land belonging to grand father of the informant was sold by petitioner No. 1 to petitioner



No. 2 and the petitioner No. 3 was witness on the aforesaid sale deed.

In such circumstances, it appears that the dispute is purely of civil nature and the informant has already adopted the civil remedy to redress his grievances.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Shikarpur P.S. Case No. 443 of 2016 to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah subject to condition as laid down u/S 438(2) of the 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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