

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33943 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -BHELDI District- SARAN

- =====
1. BIJENDRA RAI, son of Basdev Rai,
 2. Sikandar Rai, son of Basdev Rai, both r/o village-Bariyarpur, P.S.- Bheldi, District- Saran at Chapra &
 3. Awadhesh Bharti, son of late Baharan Bharti, r/o village-Gopalpur Mathiya, P.S.-Bheldi, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate

For the Opposite Party/s : Smt. Pronati Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 20-07-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Bheldi P.S. Case No.11 of 2017 instituted for the offence under Section(s) 419, 420, 467, 468, 471, 474, 323, 504 Indian Penal Code.

As per Complaint Petition, complainant is the daughter of Birendra Rai from his first wife-Sona Devi. It is alleged that the father of the complainant died in 1994 leaving behind the complainant-Samita Kumari. She has filed suit for partition vide Partition Suit No.375 of 2016. When the complainant went to her landed property then the petitioners along with other accused restrained her and told that they have purchased the land from Devpatia Devi. The complainant perused



the sale deed and came to know that accused persons have prepared fake sale deeds. It is further alleged that she enquired about Devpatia Kuer then she learnt that Laljhari Devi is selling the land in the name of Devpatia Kuer.

In this manner, from the nature of allegation in the Complaint Petition, which was sent to P.S. under Section 156(3) Cr. P. C., it appears that it is a matter of civil dispute and civil remedy is available to the informant.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Bheldi P.S. Case No.11 of 2017, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, IX, Saran at Chapra, 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)

JA/-

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

