

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28232 of 2017

Arising Out of PS.Case No. -279 Year- 2012 Thana -BAKHTIARPUR District- SAHARSA

- =====
1. Mahajan Sah S/o Late Lal Mohar Sah resident of Village- Mohanpur, P.O.- Balwahaat, P.S.- Simri- Bakhtiyarpur, District- Saharsa.
 2. Vijay Kumar Sah S/o Late Mishri Sah resident of Village- Saroja Baijnathpur, P.S.- Simri- Bakhtiyarpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam

For the Opposite Party/s : Mr. S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 10-08-2017 Heard the Counsel for the petitioner and the informant.

The present application survives in respect to petitioner no. 1.

Apprehending his arrest in Bakhtiyarpur P.S. Case No. 279 of 2012 registered under sections 467, 468, 471, 120(B), 420 and 34 of the Indian Penal Code, the present application seeks grant of pre-arrest bail.

The informant is the holder of Power of Attorney. Precisely, the allegation is that one Krishna Ballav Singh sold the land of the brother-in-law of the informant dishonestly and surreptitiously. Aforesaid co-accused had filed a partition suit in which there was no injunction granted and even then he sold the



land. Petitioner no. 1 was one of the purchasers.

Contention of the petitioner is that he is a bona fide purchaser of the land after paying consideration amount, land was conveyed.

Considering the facts and circumstances of the case, in the event of arrest or surrender in the Court below within four weeks, the petitioner no. 1 namely Mahajan Sah is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in Bakhtiyarpur P.S. Case No. 279 of 2012 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following condition that one of the bailers shall be the own/close family members of the petitioner.

(Kishore Kumar Mandal, J)

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