

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39467 of 2017

Arising Out of PS.Case No. -219 Year- 2016 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

- =====
1. Smt. Bimal Ray, w/o Chandrashekhar Ray
 2. Bateshwar Choudhary @ Bachcheshwar Choudhary, Son of late Narsing Choudhary @ Narsing Choudhary
 3. Fozail Ahmad, Son of late Sufail Ahmad @ late Tufail Ahmad
 4. Sohail Ahmad, Son of late Sufail Ahmad @ late Tufail Ahmad
- All are resident of Village- Basuharm, P.S. Bahera, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Hussain Ahmad, Son of late Tufail Ahmad, Resident of Village- Basuharm, P.S. Bahera, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Benipur Complaint Case No. vide C.R. No. 219 of 2016 instituted for the offence under Sections 420, 467, 468, 471, 120(B), 406, 341 and 504 of the Indian Penal Code.

It has been submitted that complainant and petitioner Nos. 3 and 4 are brothers. There is land dispute with regard to ancestral property. It is alleged in the complaint petition that the complainant has seven brothers and partition has already taken



place.

It is alleged that brother of the complainant Fozail Ahmad (petitioner No. 3) has sold the land of his share to Smt. Bimal Ray (petitioner No. 1) in which another brother of informant namely, Sohail Ahmad (petitioner No.4) is identifier and Bateshwar Choudhary @ Bachcheshwar Choudhary (petitioner No.2) is witness. As such, it is a matter 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 Benipur Complaint Case No. vide C.R. No. 219 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 learned Sub Divisional Judicial Magistrate, Benipur (Darbhanga), 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.

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(Sanjay Priya, J)

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