

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42121 of 2017

Arising Out of PS.Case No. -1108 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Mithilesh Prasad, Son of Late Bakhora Yadav, R/o village- Rambad, P.S.- Bihta, District- Patna.
 2. Bimla Devi @ Vimal Devi, W/o Shambhu Sharan Thakur, R/o Village- Chamarichak, P.S.- Shahpur, District- Patna.
 3. Rambha Devi, W/o Shailendra Thakur, R/o Village- Lala Bhadsara, P.S.- Dulhin Bazar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Laxman Prasad Thakur, Son of Baliram Thakur @ Balirama Prasad Thakur, R/o village- Sohra, P.S.- Naubatpur, District- Patna. At presnet R/o Village- Ramjichak Digha School Road, P.S.- Digha, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate.
For the opposite party No. 2 : Mr. Aslam Ansari, Advocate.
For the State : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-09-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Complaint
Case No. 1108(C) of 2015 instituted for the offence under
Sections 465 and 467/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that
on 27.10.2005, family partition was done between brothers of
petitioner Baliram Thakur and Sideshwar Thakur, husband of
Mosmat Anandi Devi (executor of the sale deed) and by mutual



consent, the alleged land in question was allotted in the share of husband of Mosmat Anandi Thakur. She has executed sale deed in favour of petitioner No. 1 in which petitioner Nos. 2 and 3 are the witnesses and identifier.

It has been submitted that petitioner No. 1 is bona fide purchaser of land in question after making payment of Rs.2,91,000/- in which petitioner Nos. 2 and 3 are identifier and witnesses. In such circumstances, the complainant is nephew of the executor of the sale deed namely, Mosmat Anandi Devi. It has further been submitted that the matter is purely 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 Complaint Case No. 1108(C) of 2015, 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 Shri Sandeep Kumar, learned Judicial Magistrate, 1st Class, Danapur, Distt. Patna, 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.

S.Ali/-

(Sanjay Priya, J)

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