

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54076 of 2017

Arising Out of PS.Case No. -581 Year- 2017 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

- =====
1. Bulbul Thakur, wife of late Bimal Mohan Thakur
 2. Chitralekha Thakur, wife of Kamal Mohan Thakur
 3. Kamal Mohan Thakur, son of late Birendra Mohan Thakur
 4. Bharat Thakur @ Bharat Mohan Thakur, son of Kamal Mohan Thakur.
- Petitioner Nos. 1 to 4 are resident of Mohalla Purani Dayorhi, Barari, P.S. Barari, Distt. Bhagalpur.
5. Shiv Kumar Mishra, son of late Parmanand Mishra
 6. Juli Mishra @ Juli Devi, wife of Shiv Kumar Mishra
- Petitioner Nos. 5 and 6 are resident of Mohalla Koshi Colony, P.S. and Distt. Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Raj Kishore Jha, son of late Dashrath Jha, resident of Mohalla Purani Diyorhi, Barari, P.S. Barari, Distt. Bhagalpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate.
For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 10-11-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Complaint Case No. 581 of 2017** instituted for the offence under Sections 380, 427, 448 and 34 of the Indian Penal Code.

It has been submitted that complainant wants to dispossess the petitioners from ancestral house. It has further been submitted that holding of the aforesaid property is in the name of



father of petitioner No. 3 and receipts are issued from the Bhagalpur Municipal Corporation.

In the complaint petition the complainant has levelled allegation that all the petitioners in order to grab the ancestral house of the complainant, entered into the house, and gave threat of dire consequences and also stolen away ornaments and other valuable articles. As such, it is a matter of 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. 581 of 2017**, 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 Judicial Magistrate, 1st Class, Bhagalpur**, 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)

S.Ali/-

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

