

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12889 of 2016

Arising Out of PS.Case No. -23 Year- 2015 Thana -KAUAKOL District- NAWADA

- =====
1. Bhola Lal,
 2. Awadhesh Lal, both sons of late Harihar Lal,
 3. Brahmdeo Prasad, son of late Ram Lakhan Prasad, aAll resident of village- Barai Rani Bazar, P.S.- Kawakole, Distt- Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Kant Singh, son of late Balgovind Singh, resident of Kauiwakole Durga Mandap, P.S.-Kauwakole, District- Nawada.

.... Opposite Party/s

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With

Criminal Miscellaneous No.11135 of 2016

Arising Out of PS.Case No. -23 Year- 2015 Thana -KAUAKOL District- NAWADA

- =====
1. Shiv Nandan Prasad, S/o Late Ragho Sahu,
 2. Birendra Prasad Sahu, S/o Shivnandan Prasad, both are resident of Village- Kawakole, P.S- Kawakole, Distt.- Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr. Misc. No.12889 of 2016)

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate with
Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

(In Cr. Misc. No.11135 of 2016)

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate with
Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 05-05-2017

Heard learned counsel for the Petitioners and the
State.

The Petitioners apprehend their arrest in Kawakole
P.S. Case No.23 of 2015 instituted for the offence under



Section(s) 323, 341, 504, 379, 420, 467, 468, 471 Indian Penal Code.

Notice was issued to the Opposite Party No.2 in Cr. Misc. No.12889 of 2016, which was validly served through the District Judge, Nawada, but none appears on behalf of the Opposite Party No.2.

The complainant, who claims himself to be *Sawait* of *Durga Maharani & Kali Maharani* Temple, has alleged that co-accused, Madan Singh, has executed sale deed with respect to 5½ decimals of land in favour of Madan Mohan Verma by registered sale deed dated 09.06.2012 with intention to grab the land of *Maharani Kali & Durga*. It is further alleged that Madan Singh has no right to transfer the land.

From the Complaint Petition itself, it appears that there is no allegation of any specific overt act against these petitioners. There is general and omnibus allegation against the petitioners.

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 Kawakole P.S. Case No.23 of 2015, 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 ACJM-IV, Nawada, 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)

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