

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43562 of 2016

Arising Out of PS.Case No. -70 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Om Prakash Kumar
2. Manoj Kumar Both Sons of late Sushil Kumar Singh Both Residents of
Village- Ganeshpur, Police station Puraini & District Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ravindra Kumar S/o Sukdeo Sah R/o Village & PS Puraini, District
Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

7 16-01-2017 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Complaint Case no. 70 of 2015 registered for the offences
punishable under Sections 420, 406, 379 , 323, 384, 386 and
120B of the Indian Penal Code.

Petitioners are said to have transferred some lands in
favour of the complainant. Subsequently, the complainant came to
know that same lands had already been sold to one Sitaram Sah
and Pappu Sah.

Submission on behalf of the petitioners is that the
lands in question were purchased by the petitioners and one Binod
Kumar from Vishnu Dev Sah in the year 1997 through registered



sale deed and petitioners were not aware of this fact that Binod Kumar had already transferred the lands in question to one Phuleshwar sah, who happens to be father of the co-accused Sitaram Sah and Pappu Sah, and therefore, even if the prosecution story is assumed to be true, then also, the present case is based on the documentary evidence and so far as maintainability of the present petition is concerned, it is submitted that Apex Court as well as this Court have already held in several cases that even after issuance of summons, petition under section 438 of the Cr.P.C is maintainable.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, 1st class, Udakishunganj (Madhepura) in Complaint Case No. 70 of 2015, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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