

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10688 of 2017

Arising Out of PS.Case No. -54 Year- 2016 Thana -HABIBPUR District- BHAGALPUR

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1. SURENDRA KUMAR YADAV @ SONU YADAV @ SURENDRA KUMAR SONU @ SURENDRA KUMAR @ SONU son of late Etwari Yadav, resident of Douthat, P.S. - Habibpur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

2. Ranjit Kumar, son of Kishori Sharma, resident of Ranadih, P.O.-Kahua, P.S.-Sangrampur, District- Munger, at present- Red Cross Road, Adampur, Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Indra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 22-06-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Habibpur P.S. Case No.54 of 2016 instituted for the offence under Section(s) 341, 323, 406, 420, 467, 471, 385, 379 Indian Penal Code.

It has been submitted on behalf of the petitioner that the land of the informant is in Mouza- Hajisahpur and the land purchased by the petitioner is in Mouza- Daudwaat. Co-accused, Sunil Shekhar sold the land to the informant's mother by wrongly showing the land of the petitioner and in confusion the informant has implicated the petitioner in this case. The petitioner has



constructed boundary wall and a school is running on the plot purchased by him, which the informant claims belonging to her mother. Description of the land given in the sale deed, which has been enclosed with written report, is totally different from the description of the land given in the sale deed of the petitioner, which is annexed as Annexure-2.

In such circumstances, this Court finds that it is a case of *bonafide* land dispute between the parties.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Habibpur P.S. Case No.54 of 2016, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, 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) petitioner 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 petitioner and



(3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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