

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29751 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Buni Yadav, son of Late Yadu Yadav,
2. Dhurendra Yadav @ Dhurendra Yadav, son of Buni Yadav, Both resident
of Village- Dhawahi, Police Station- Harsidhi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioners and learned
Addl. Public Prosecutor for the State.

The petitioners apprehend their arrest in Harsidhi P.S.
Case No. 39 of 2017 instituted for the offence under Sections-420,
465, 466, 467, 468, 471, 120(B) of the Indian Penal Code.

As per written report, the accused persons including these
petitioners are claiming the land appertaining to Khata No. 175
Khesera No. 906 measuring 6 Kathas 3 dhurs on the basis of
ancestral property whereas; the informant is claiming over the
aforesaid land on the basis of registered sale deed. It is mentioned
in the impugned order that the proceedings of 145 Cr.P.C. and 107
Cr.P.C. on the aforesaid land, was also initiated.



In such circumstances, this court finds that civil remedy is available to the informant in this matter. Accordingly, prayer for anticipatory bail is allowed and it is ordered that petitioners, named above in the event of their arrest/surrender in the court below within six weeks from today shall be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each in connection with Harsidhi P.S. Case No. 39 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran subject to conditions as laid down u/S 438(2) of the 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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