

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39712 of 2017

Arising Out of PS.Case No. -369 Year- 2016 Thana -SONEPUR District- SARAN

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1. Sanju Devi, W/o Ramesh Mahto,
2. Hira Devi W/o Lachhuman Rai,
3. Vijanti Devi @ Vijaanti Devi W/o Vidya Rai,
4. Binod Rai @ Vinod Rai Son of Late Lachhuman Rai,
5. Randheer Rai @ Randir Rai Son of Vidya Rai, All Are Resident of Village + P.S.- Nayagawn, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 01-09-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehends arrest in Sonpur P.S. Case No. 369 of 2016 instituted for the offence under Sections-420, 467, 468, 471, 120(B) of the Indian Penal Code.

Counsel for petitioners has submitted that petitioner No. 3 is grand daughter of Shanichar Rai. The complainant is said to be husband of daughter of Shanichar Rai.

In complaint petition, it is alleged that decree was passed in favour of wife of the complainant in Title Suit No. 151 of 2006 and in execution of the decree, delivery of possession was also given to her of the disputed land.

Counsel for the petitioners has submitted that ex parte order was passed and against that order, Title Suit No. 151 of 2006 has been filed which



is pending in the court of Sub Judge-IV, Chapra, in which, the complainant has also appeared. The suit is pending at the stage of evidence. Counsel for the petitioners has submitted that he did not receive any notice in Title Suit No. 151 of 2006 and wife of the complainant is grand daughter of the Shanichar Rai from second wife.

In such circumstances, it appears to be a dispute of civil nature and Title Suit is also pending between the parties. Accordingly, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Sonpur P.S. Case No. 369 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Saran at Chapra subject to condition 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 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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