

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36801 of 2017

Arising Out of PS.Case No. -127 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Lalita Devi, W/o Binod Kumar,
 2. Binod Kumar, Son of Gandhi Rai @ Ashok Rai, Both are R/o Village-Khaprailchak, P.S.- Parsa Bazar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Chinta Devi, W/o Gandhi Rai @ Ashok Rai, R/o Village-Khaprailchak, P.S.- Parsa Bazar, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Usha Kumari Singh, Advocate
For the Opposite Party/s : Mr. Panchanand Pandit, APP
Mr. Ajay Kumar Singh No.1, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 10-08-2017

Heard learned counsel for the Petitioners and the
State. Also heard counsel for the Opposite Party No.2.

The Petitioners apprehend their arrest in Complaint
Case No.127-C of 2017 instituted for the offence under Section(s)
406, 420, 468, 120-B, 323 Indian Penal Code.

It is alleged that earlier the complainant executed
power of attorney on 01.08.2012 in favour of the petitioner No.2
and authorized him to sell the property as mentioned in the power
of attorney. Subsequently, she cancelled the aforesaid power of
attorney on 10.10.2014. Later on, the complainant learnt
petitioner Nos. 1 and 2 have executed sale deed in favour of
others in respect of land of the complainant. It has further been
submitted that for the aforesaid property Title Suit is pending
between the parties in the Court of the Sub-Judge XV, Patna.



From the nature of allegation, it appears that it is a matter of civil dispute.

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 Complaint Case No.127-C of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Patna, 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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