

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40372 of 2017**

Arising Out of PS.Case No. -858 Year- 2014 Thana -KHAGARIA COMPALINT CASE District-  
KHAGARIA

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Ram Chandra Sahni @ Kundan Sahni, son of Late Ram Khelawan Sahni,  
Resident of Village- Shobhni, P.S. and District- Khagaria.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Pradip Kumar Vijeta, Son of Jhari Sahni, resident of Village- Shobhni,  
P.S. & District- Khagaria, Mobile No. 8409250580.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar -1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

- 2      21-09-2017      Heard learned counsel for the petitioner and the State.
- The petitioner apprehends his arrest in Complaint  
Case No. 858C of 2014 instituted for the offence under Sections  
406 and 420 of the Indian Penal Code.
- It has been submitted on behalf of the petitioner that  
complainant is nephew of petitioner. The petitioner has three  
brothers. The petitioner is the youngest one who used to live in  
other State for his livelihood. In the meantime, father and uncle of  
the complainant namely, Jhari Sahni and Manohar Sahni brought  
Title Suit No. 14 of 2014 in absence of the petitioner in the Civil  
Court and ex-parte judgment was passed. Thereafter, mutation  
was also done with regard to the land in question. When the



petitioner came to know about this fact, a *panchayti* was held and father and uncle had agreed to give Rs.5,00,000/- as compensation amount of the land of his share and out of which, only Rs.50,000/- was given to the petitioner. The rest amount has not been given to him with intention to digest the aforesaid amount. The instant complaint at the instance of father and uncle of the complainant has been filed. It has further been submitted that petitioner has filed Title Suit No. 182 of 2015 claiming equal share of the land in the Civil Court, Khagaria, which is pending. The father and uncle of the complainant did not become ready to give remaining amount to the petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Complaint Case No. 858C of 2014, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, 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.

S.Ali/-

**(Sanjay Priya, J)**

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