

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38791 of 2017

Arising Out of PS.Case No. -2031 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Ram Kripal Mahto, son of late Bilat Mahto, r/o village Bathnaha, Ward No. 01, P.S. Bathnaha, Distt. Sitamarhi.
 2. Nageshwar Rai, son of late Sewak Rai, r/o village Bathnaha, Tola Rampur, P.S. Bathnaha, Distt. Sitamarhi.
 3. Jitendra Kumar, son of Bindeshwar Rai, r/o village Bathnaha, Tola Rampur, P.S. Bathnaha, Distt. Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Indal Mahto, son of Narayan Mahto, r/o village Bathnaha, Ward No. 11, P.S. Bathnaha, Distt. Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate.

For the Opposite Party/s : Md. Ansarul Haque, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-08-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Complaint Case No. 2031 of 2012 instituted for the offence under Sections 420, 468 and 120(B) of the Indian Penal Code.

It is alleged that on the date of occurrence, the petitioners in collusion with each other executed the sale deed with respect to land of the complainant bearing its Survey Plot No. 4441, Khata No. 1009, measuring an area of 14 decimal. It is further alleged that sale deed has been executed in favour of petitioner No. 2 by petitioner No. 1. Petitioner No. 3 is witness of



the aforesaid land.

Learned counsel for the petitioner has submitted that co-accused Pintu Singh has already been granted anticipatory bail by this Court vide order dated 19.7.2017 passed in Cr. Misc. 26256 of 2017.

From the nature of dispute, it appears that civil remedy is available to the petitioner to redress his grievance.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Complaint Case No. 2031 of 2012, 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 Sri K.D. Rajaji, Additional Chief Judicial Magistrate-IV, Sitamarhi, 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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