

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57315 of 2017

Arising Out of PS.Case No. -89 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Rambriksh Kumar, S/o Kosil Nirnad,
 2. Ashok Prasad @ Ashok Gupta @ Ashok Sah, S/o Late Bhajan Sah,
 3. Banarsi Ram, S/o Late Bhajan Ram,
 4. Rajan Yadav @ Rajan Prasad Yadav, S/o Late Shambhu Yadav, all are resident of Village- Pakad Gaon, P.S.- Bagaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ravindra Kishore Singh, S/o Late Gorakh Singh, R/o Banchahari, Post- Parsa, P.S.- Bagaha, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 11-12-2017

Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in **Trial No.4021**
of 2016 arising out of Complaint Case No.C-89 of 2014
instituted for the offence under Section(s) 342, 323, 384, 386/34
Indian Penal Code.

There is specific allegation against petitioner No.4
that he got executed forged sale deed through petitioner No.2 of
the land, which belonged to the Complainant and he was coming
in possession since 05.08.1992 and getting the rent receipts.



From para 3 of the bail petition, it appears that petitioner no.4 has criminal antecedents and several cases are pending against him.

Therefore, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner nos.2 and 4.

Accordingly, prayer of the petitioner nos.2 (Ashok Prasad @ Ashok Gupta @ Ashok Sah) and 4 (Rajan Yadav @ Rajan Prasad Yadav) for grant of anticipatory bail is **rejected**.

So far as petitioner nos.1 (Rambriksh Kumar) and 3 (Banarsi Ram) are concerned, they are said to be the witnesses of the sale deed.

In the facts and circumstances of the case, prayer of the petitioner nos.1 and 3 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner nos.1 and 3, named above, within six weeks from today in connection with **Trial No.4021 of 2016 arising out of Complaint Case No.C-89 of 2014**, they shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of **Sri S. Patel, Judicial Magistrate, 1st class, Bagaha, West Chamapran**, 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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