

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.52461 of 2017**

Arising Out of PS.Case No. -14 Year- 2017 Thana -BETTIAH CITY District-  
WESTCHAMPARAN(BETTIAH)

=====

1. Hariom Prasad @ Hariom Shahi, S/o Rajnandan Prasad @ Rajnandan Shahi, r/o village- Mohachhi Nain, P.S.- Gopalpur, Anchal-Chanpatia, District- West Champaran, at present resident of Village- Desua, P.O.- Bhagwanpur Desua, P.S.- Ujiyarpur, District- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Dr. Vijay Nandan Shahi, S/o Late Sharda Prasad Shahi, R/o Village- Mohachhi Nain, P.S.- Gopalpur, District- West Champaran.

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

=====

**Appearance :**

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahani, APP

=====

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

2/ 09-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Bettiah Town**  
**P.S. Case No.14 of 2017** instituted for the offence under  
Section(s) 420, 467, 468, 471, 120-B Indian Penal Code.

Counsel for the petitioner has submitted that  
informant is uncle of this petitioner. There is land dispute  
between the parties.

Informant has alleged in the instant case that the  
petitioner has sold the land of the share of the Informant to  
accused, Kunti Devi, wife of Bir Bahadur Mahto, and other  
accused persons, namely, Uma Shankar Tiwary, and Surendra  
Mahto were witnesses and identifier.



It has been submitted on behalf of the petitioners that Informant has filed Partition Suit No.69 of 2017, and the same was dismissed in default vide order dated 04.01.2016 passed by the learned Sub-Judge, 1<sup>st</sup>, Bettiah, District-West Champaran, because the Informant left *pairvi* in that suit. Thereafter, instant criminal case has been filed by the Informant against the petitioner.

As such, from the Complaint Petition itself, which was sent to P.S. under Section 156 (3) Cr. P. C., it appears that there is land dispute between the parties.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Bettiah Town P.S. Case No.14 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Bettiah**, 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.

**(Sanjay Priya, J)**

**JA/-**

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

