

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33881 of 2017

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SURENDRA KUMAR YADAV @ SONU YADAV @ SURENDRA KUMAR @ SONU, son of late Etwari Yadav, resident of Douthat, P.S.-Habibpur, District-Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Asharaf Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 20-07-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Habibpur P.S. Case No.56 of 2016 instituted for the offence under Section(s) 406, 420, 367, 471, 379, 385, 354 Indian Penal Code.

It has been submitted on behalf of the petitioner that sale deed was executed in favour of the informant by Sunil Shekhar. Sale deed of the informant is part of the First Information Report.

Counsel for the petitioner has submitted that the petitioner has purchased land from Randhir Sahay and he has constructed boundary wall and running school on the aforesaid land.

It is mentioned in the written report itself that Sunil



Shekhar, Suman Kumar Suman and Mausmi Rani had cheated the informant by showing wrong land and executed sale deed in respect of the aforesaid land.

It has been submitted on behalf of the petitioner that Sunil Shekhar has sold land to different purchasers by showing the land of different persons and in this manner has cheated different persons. In one of such case, the petitioner was made accused and he was granted anticipatory bail by this Court by order dated 22.06.2017 passed in Cr. Misc. No.10688 of 2017.

From the nature of allegation in the First Information Report, it appears to be a matter of *bonafide* land dispute.

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 Habibpur P.S. Case No.56 of 2016, 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, Bhagalpur, 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)

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