

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41579 of 2017

Arising Out of PS.Case No. -3766 Year- 2015 Thana -SARAN COMPLAINT CASE District-
SARAN

- =====
1. Anita Singh, wife of Late Vijay Singh
 2. Birendra Kumar Singh, son of Late Raghunath Sharan Both are Resident of Village- Manjhi Baharan Singh Ke Tola, P.S.- Manjhi, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Girja Devi, wife of Shri Ram Yadav, Resident of Village- Manjhi, Tola-Chainpur, P.O. and P.S. Manjhi, District- Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Prasad, Advocate
For the Opposite Party/s : Mr. Asharaf Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 11-09-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Complaint Case No. 3766 of 2015 instituted for the offence under Sections 341, 323, 406, 420 and 120(B)/34 of the Indian Penal Code.

There is allegation in the written report that petitioner No. 1 executed sale deed with respect to the property belonging to her father-in-law Shri Ram Singh in favour of the complainant on persuasion by the complainant that her father-in-law is already dead. It is also alleged that Rs.5,00,000/- was received by petitioner No. 1 from the complainant.

From the written report itself it appears that the sale deed has been executed by petitioner No. 1 in favour of the complainant. The



petitioner No. 2 is witness of the sale deed. As such, the dispute is purely civil in nature and civil remedy is available to the complainant to redress her 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. 3766 of 2015, 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 learned Additional Chief Judicial Magistrate-5th, Saran at Chapra, 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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