

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58928 of 2017

Arising Out of PS. Case No.-116 Year-2017 Thana- BHAGWANPUR District- Bhabhua
(Kaimur)

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1. Lalan Singh, Son of Late Santu Singh,
 2. Kameshwar Singh, Son of Late Bishwanath Singh, Both are resident of Village- Kurtha, P.S.- Belaon, District- Kaimur at Bhabhua.
 3. Pradeep Tiwari, Son of Sudama Tiwari, Resident of Village- Bichhiya, P.S.- Belaon, District- Kaimur, at Bhabua.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth

For the Opposite Party/s : Mr. SRI KHURSHID ANWAR

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 06-12-2017 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners wants to renew their prayer of anticipatory bail, which was earlier rejected vide order dated 09.11.2017 passed in Cr. Misc. No. 52236 of 2017, on the ground that the petitioners have filed Second Appeal No. 53 of 2016 for the land in question and vide order dated 13.04.2017 both parties have been restrained from alienating or creating 3rd party interest in the suit property during the pendency of the appeal without permission of the Court and further any change in the nature of the suit property during the pendency of the appeal will be subject to the result of the appeal. The petitioners were in



possession and as such the allegations as made appears not probable. The petitioners have got no criminal antecedent, some of other co-accused have been allowed pre-arrest bail, the petitioners are aged about 73 and 71 years old respectively and as such the petitioners deserve sympathetic consideration.

Learned APP opposes the prayer of pre-arrest bail by pointing out the specific allegation made against the petitioners.

In the facts and circumstances stated above, this Court is not inclined to grant privilege of pre-arrest bail to the petitioners and accordingly, their such prayer stands rejected.

However, the petitioners are directed to surrender before the court below and seek regular bail within six weeks from the date of receipt/production of a copy of this order and on their so surrendering their prayer of bail shall be considered, preferably on the same on its own merit without being prejudiced by the present order

(Jitendra Mohan Sharma, J)

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