

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59620 of 2017

Arising Out of PS.Case No. -2438 Year- 2016 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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1. Parmila Kumari @ Pramila Kumari, W/o Arvind Kumar,
2. Arvind Kumar S/o Muneshwar Das, Both R/o Village- Khatopur, P.S.-
Muffasil (Lakho O.P.), District- Begusarai.
3. Dharmendra Kumar S/o Binod Kumar Gupta, R/o Village- Bishanpur,
P.S.- Town, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibha Devi W/o Shankar Das, R/o Village- Khatopur, P.S.- Muffasil
(Lakho O.P.), District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Chandra Prasad

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-12-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Complaint Case No.
2438C of 2016 instituted for the offence under Sections-420, 120(B)/34
of the Indian Penal Code.

The petitioner No. 1 is bona fide purchaser of land from
Kamleshwari Devi by sale deed dated 19-05-2016. Rent receipt is also
issued in her favour. Petitioner No. 2 is husband of petitioner No. 1.
Petitioner No. 3 is witness on the aforesaid sale deed.

The complainant has alleged that a Mahadanama was
executed between the complainant and Kamleshwari Devi on 02-12-
2015. The payment was also made to Kamleshwari Devi as per



Mahadanama. It is further alleged that on 17-08-2016 Kamleshwari Devi executed sale deed in favour of complainant. As such, the sale deed of petitioner No. 1 is prior to the sale deed executed in favour of the complainant by same Kamleshwari Devi. This is purely a civil dispute.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Complaint Case No. 2438C of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Begusarai subject to condition as laid down u/S 438(2) of the 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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