

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35738 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -BARAHIYA District- LAKHISARAI

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1. Bambam Singh Son of late Alakhdeo Singh
2. Manoj Singh @ Manoj kumar Singh Son of Charitar Singh Both are
Resident of Village- Indupur, Police Station- Barahiya, District- Lakhisarai.
.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 10-10-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Barahiya
P.S.Case No. 138/2016 instituted for the offence under sections
448, 339, 188, 456 and 34 of the Indian Penal Code.

It is alleged in the written report that petitioner no.1
forcibly ousted the tenant from the lower room of the house and
kept his article in the aforesaid room which the informant claims
to belong to him. It is further alleged that petitioner no.1 also
threatened to oust the remaining tenant and in such act petitioner
no.2 helped petitioner no.1. Learned counsel for the petitioners has
today filed a supplementary affidavit. Annexures 2 and 3 filed
with the supplementary affidavit show that the land in question
was purchased by the ancestor of petitioner no.1 through auction
sale and the certificate has also been issued and delivery of



possession has been issued in favour of grand father of the petitioner no.1. It is further submitted that the title suit is also pending between the parties for the same piece of land in which the informant has also appeared. He has filed injunction petition in that suit which has been rejected.

Learned counsel for the informant has submitted that the informant is in possession of the property. In support of which he has filed documents, such as rent receipt and also electricity bill. He has also filed three sale deeds in support of the claim over the aforesaid land.

As the title suit is pending between the parties, therefore, all these things can be better seen in the title suit.

Considering the facts and circumstances of the case, the 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, 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 the Addl. Chief Judicial Magistrate-III, Lakhisarai in connection with Barahiya P.S.Case No. 138/2016, 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)

Surendra/-

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