

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39773 of 2017

Arising Out of PS.Case No. -124 Year- 2016 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

- =====
- 1. Usha Bhattacharya W/o Late Pradeep Bhattacharya
 - 2. Anand Bhattacharya S/o Late Pradeep Bhattacharya Both resident of Village- Balebagh Bangali Colony, P.S. Bettiah Town District West Champaran.

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2
For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Bettiah Town P.S. Case No. 124 of 2016 instituted for the offence under Sections-323, 342, 354, 506, 379/34 of the Indian Penal Code.

It is alleged in the complaint petition, which was sent to concerned police station u/S 156(3) of the Cr.P.C. that petitioners were running tea stall in front of the shop of informant and when the informant told them to remove their tea stall, then both the petitioners fraudulently and dishonestly obtained holding receipts from the Municipality Office, Bettiah with respect to the shop of the informant situated at Bel Bag Colony and on the basis of said forged receipt made claim over the shop. The informant reported the matter to the police and after inquiry, police dispossessed the petitioners from the said place and



thereafter, both the petitioners along with others came at his shop, abused him and also extended threat to kill his family members and also demanded Rs. Five lacs as rangdari. The police after investigation, submitted final form in the case as land dispute. The learned court below has taken cognizance in the case after differing with the final form.

Counsel for the petitioners has submitted that Title Suit No. 308 of 2015 is pending between the parties, which has been filed by petitioner No. 1.

Learned counsel appearing for the informant opposed the prayer for anticipatory bail.

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 Bettiah Town P.S. Case No. 124 of 2016 to the satisfaction of Sri R. K. Tiwary, learned Additional Chief Judicial Magistrate, West Champaran, Bettiah 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) 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 petitioners.

(Sanjay Priya, J)

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