

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41544 of 2017

Arising Out of PS.Case No. -222 Year- 2017 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Sekh Badrul Hoda,
2. Sk. Nurul Hoda,
3. Sk. Kamrul Hoda,
4. Sk. Md. Matar @ Sk. Md. Motar,
5. Sk. Amirul Hoda, All are sons of Sk. Hussain, Resident of Village-
Nautanwa, P.S.- Shikarpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 08-09-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Shikarpur P.S. Case No. 222 of 2017 instituted for the offence under Sections-419, 420, 468, 471, 431/34 of the Indian Penal Code.

It has been submitted that he is bona fide purchaser of the land vide Annexure-2 to this petition. They have paid consideration money of Rs. 45,00,000/- (forty five lacs) and registry fees. Thereafter, the C.O. mutated the land in his favour and also rent receipts have been issued in his favour. Thereafter, the informant has filed this criminal case against these petitioners and also a case for cancellation of Jamabandi. Counsel for petitioners has further submitted that in fact on 29-11-2016, the informant himself submitted inquiry report after visiting the



spot by order of the DCLR. He has admitted that the petitioners are in peaceful possession over the land.

In this manner, even if, irregularity has been committed, it occurred on the part of the informant himself who has done the mutation in favour of these petitioners after holding spot inquiry and also he issued rent receipts. It appears that the informant himself has filed this criminal case against the petitioners, who were bona fide purchasers vide Annexure-2 to this petition after paying consideration amount of Rs. 45,00,000/- and also paid registry fees to the government.

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 Shikarpur P.S. Case No. 222 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran 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.

Let copy of this order be communicated to the District Magistrate, Bettiah, West Champaran for taking necessary action against the informant.

(Sanjay Priya, J)

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