

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23525 of 2017

Arising Out of PS.Case No. -2211 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Phool Kumari Bhagat @ Phool Kumari Devi, W/o Ganesh Bhagat.
2. Ganesh Bhagat, S/o Late Bajrangi Bhagat, Both 1 and 2 Resident of Villag- Ilmasnagar, P.S. Khanpur, District- Samatipur.
3. Shanti Devi Chaurasiya @ Shanti Chaurasia, W/o Ganesh Chaurasiya, Resident of Village- Hansa, P.S. Warisnagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mithlesh Bhagat, S/o Ram Lakhan Bhagat, Resident of Village Ilmash agar, P.S. Khanpur, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 3 01-07-2017 Heard learned counsel for the petitioners and the State.
- The petitioners apprehend their arrest in C.R. No. 2211 of 2013 instituted for the offence under Sections-420, 466, 468, 471, 474, 120B of the Indian Penal Code.
- As per complaint petition, the accused persons in collusion with each other created sale deeds on 09-10-2013 & 10-10-2013 relating to the land of the complainant and his younger brother.
- Learned counsel for the petitioners has submitted that the original owner of the land has sold the land and purchasers are in possession. It has further been submitted that title suit is also



pending between the parties.

It has been mentioned at para-11 of the petition that petitioner No. 1 and complainant are descendent of Hanuman Bhagat who had two wives namely, Mahamaya Devi and Savitri Devi. The complainant is son of first wife of Hanuman Bhagat. Petitioner Nos. 1 & 3 are daughters of second wife of the said Hanuman Bhagat. The lands in question are Khatiyani Land of Hanuman Bhagat and vendor petitioner nos. 1 & 3 at the time of execution of sale deed were in possession of the land which was of their share and they have right, title over the land. Petitioner No. 2 is husband of petitioner No. 1 who is identifier on the sale deed.

From the allegation made in the complaint, the nature of dispute between the parties appears to be of civil nature.

In such circumstances, prayer for anticipatory bail is allowed 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) each with two sureties of the like amount each in connection with C.R. No. 2211 of 2013 to the satisfaction of learned Chief Judicial Magistrate, Samastipur 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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