

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16477 of 2017

Arising Out of PS.Case No. -74 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Ravindra Ray S/o Late Bharat Ray, Resident of Village- Gondbara, P.S.-
Korha, District- Katihar.

2. Suresh Muni, S/o Narayan Muni, Resident of Village- Gondbara, P.S.-
Korha, District- Katihar.

.... Petitioners

Versus

1. The State of Bihar.

2. Santosh Kumar, S/o Late Premchand Singh, Resident of Mohalla-
Sheopuri, P.S.- K.Hat, District- Purnea.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 06-07-2017 Heard Sri Baxi S.R.P.Sinha, learned Senior

Counsel, assisted by Sri Sanjay Kumar Singh, learned counsel for

the petitioners and Smt. Sangeeta Sharma, learned Addl. Public

Prosecutor.

Two petitioners, who stood witness to a sale deed
executed by one Arun Oraon to Ram Pukar Rai, have approached
this Court with a prayer to extend the privilege of anticipatory
bail in Complaint Case No.74/2013 registered for the offence
under Sections 420, 467, 468, 471, 406, 384, 323, 324, and 120(B)
of the Indian Penal Code.

It was submitted by learned counsel for the



petitioners that complainant Santosh Kumar had filed a complaint, in which he alleged that one Jagdish Poddar without any authority gave power of attorney to one Arun Oraon, who was also made accused in the complaint case. Subsequently, Arun Oraon transferred the said land to co-accused Ram Pukar Rai. Petitioners have been alleged that they stood witness to the sale deed.

Without going into detail, learned Senior Counsel has taken this Court to Annexure-4 to the petition i.e. order dated 23.02.2017 passed in Cr.Misc.No.8035 of 2017, whereby accused Arun Oraon , who had executed the sale deed in favour of Ram Pukar Rai, has been extended the privilege of anticipatory bail along with one Mithilesh Singh. He further submits that in similar manner one another accused Raj Kumar Choudhary @Raj Kumar, in whose favour at subsequent stage accused Ram Pukar Rai had transferred the land, has also been granted anticipatory bail by order dated 11.01.2017 passed in Cr.Misc.No.36798 of 2016. Accordingly, he submits that petitioners' case is on better footing than the case of Arun Oraon as well as Raj Kumar Choudhary and, as such, a prayer has been made for granting same privilege to the petitioners.

Smt. Sangeeta Sharma, learned Addl. Public Prosecutor has opposed the prayer of the petitioners and submits



that so far as petitioner no.1 is concerned, he is also one of the purchasers, which fact has come in the statement of one of the witnesses recorded in enquiry. However, she does not dispute that in complaint petition, no such allegation has been made.

Considering the fact that almost in similar circumstances, other accused persons, whose case were worst than the petitioners, have been granted anticipatory bail , let the petitioners, namely, (i) Ravindra Rai and (ii) Suresh Muni, in the event of their arrest or surrender within six weeks from today , be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Complaint Case no.74 of 2013, subject to condition as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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