

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16420 of 2018

Arising Out of PS.Case No. -156 Year- 2014 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

1. Anil Singh, S/o Late Ram Nath Singh,
2. Ram Barai Thakur S/o Langtu Thakur , Both are R/o Village- Siswa Patna, P.S.- Keseriya , District- East Champaran.
3. Krishna Murati Singh S/o Shiv Mangal Singh,
4. Shiv Mangal Singh S/o Late Nageshwar Singh, Both are R/o Village- Siswa Kharar , P.S.- Kalyan Pur District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners apprehend their arrest in connection with Kesariya P.S. Case No. 156 of 2014 for the offence registered under Sections 420, 467, 468, 471 of the Indian Penal Code.

Learned counsel for the petitioner submits that admittedly, the petitioners are conducting their fisheries on the basis of lease deed which is alleged by the informant to be a forged and fabricated document. Learned counsel for the petitioners, thus, submits that, if at all, the informant was having any right over the land which she claims to be Khatiyani, then the appropriate remedy available before her is to move before the Court of competent jurisdiction to have the



same lease deed cancelled but instead of doing so she has filed the present case making false and frivolous allegations. It is further submitted that in view of the admitted position that the petitioners are conducting their entire operations on the basis of the lease deed, no case under Section 420 of the Indian Penal Code is made out. He thus, submits that in such circumstances, the petitioner is entitled to privilege of pre-arrest bail

Having heard learned counsel for the petitioners and learned counsel for the State, it appears that there is bona fide land dispute between the parties and the same will be settled in an appropriate proceedings, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of J.M. 1st Class, Motihari, East Champaran in connection with Kesariya P.S. Case No. 156 of 2014, subject to the condition as laid under Section 438(2) Cr.P.C., subject to the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge



himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Jagdish/-

(Anjana Mishra, J)

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