

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31137 of 2017

Arising Out of PS.Case No. -254 Year- 2016 Thana -TEGHRA District- BEGUSARAI

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Madhav Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.31785 of 2017

Arising Out of PS.Case No. -254 Year- 2016 Thana -TEGHRA District- BEGUSARAI

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1. Ashok Kumar Sharma @ Ashok Sharma, Son of Sri Ram Jeevan Prasad Sharma, Resident of Village- Pali Dih, P.S. Bhagwanpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.31137 of 2017)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Praveen Kumar, Adv.
Mr. Shashank Shekhar, Adv.

For the State : Dr. Rabindra Kumar, APP

(In Cr.Misc. No.31785 of 2017)

For the Petitioner/s : Mr. Sandeep Kumar Gautam, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 09-01-2018 Both petitions arise out of Teghra P.S. Case No. 254 of 2016 registered under Sections-420, 467, 468, 471 of the Indian Penal Code in which, petitioners apprehend their arrest, and accordingly, both matters are being heard and disposed off by this common order.

Heard learned counsel for the petitioners and the



State.

It is alleged in the written report that Ashok Kumar Sharma (petitioner in Cr. Misc. No. 31785 of 2017) and Madhav Kumar (petitioner in Cr. Misc. No. 31137 of 2017) with intention to commit forgery cheated the complainant and sold the land in question as mentioned in the written report in favour of Siromani Devi wife of Ram Ishwar Rai and Dipo Devi w/o Rajaram Rai, with common intention by executing sale deed.

Counsel for petitioners has submitted that for the same piece of land, the informant has filed Title Suit Nos. 379 of 2015 & 465 of 2015 against the petitioners. The Jamabandi Case No. 87 of 2015 is also going on between the parties.

From the written report itself, it appears that this is purely a matter of civil dispute.

Counsel for the informant has appeared and 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 Teghra P.S. Case No. 254 of 2016 to the satisfaction of learned Chief Judicial



Magistrate, Begusarai 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 their absence on two consecutive dates without proper and reasonable reason, will liable to 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)

A.K.V./-

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