

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17953 of 2018

Arising Out of PS.Case No. -715 Year- 2017 Thana -FORBESGANJ District- ARRARIA

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1. Subhash Yadav, S/o Late Bhuwneshwari Yadav,
2. Manju Devi @ Anju Devi W/o Subhash Yadav, null
3. Ram Pravesh Yadav S/o Kailu Yadav, All above are R/o Village- Khaira Koshakpur, P.S.- Narpatganj, District- Araria.
4. Mithilesh Yadav S/o Jamuna Pd. Yadav, R/o Village- Barahara, P.S.- Narpatganj, District- Araria.
5. Taimur Ali S/o Late Subhan Ali, R/o Village- Matiyari, P.S.- Forbesganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-04-2018 The petitioners are apprehending their arrest in connection with Forbesganj P.S. Case No. 715 of 2017, registered for offences punishable under Sections 420, 467, 468, 471, 120(B)/34 of the Indian Penal Code.

Allegation against the petitioner no. 1 that he in connivance with other petitioners got the sale deed of the land of the informant executed in his favour.

It has been submitted on behalf of the petitioners that petitioner nos. 3 and 4 are attesting witness and petitioner no. 5 is deed writer, whereas, petitioner no. 2 is the wife of the petitioner no. 1, who is alleged to have appeared in place of mother in law of



the informant while execution of sale deed and only false and concocted allegations have been leveled. Further submission is that dispute is purely of a civil nature and if the informant is aggrieved, he should have filed for cancellation of the sale deed.

Heard learned A.P.P. also.

Having heard both sides, so far petitioner no. 1 is concerned, considering the allegation I am not inclined to grant the privilege of anticipatory bail to him rather he should surrender and make prayer for regular bail, which will be considered by the court below on the merit of the case.

So far other petitioners are concern, petitioner no. 2 is lady, petitioner nos. 3 and 4 are witnesses and petitioner no. 5 is the deed writer, as such, let these petitioners in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S. Case No. 715 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, as well as subject to the following conditions, it is further subject to the condition that:-



- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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