

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44487 of 2017

Arising Out of PS.Case No. -645 Year- 2017 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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1. Ajay Choudhary, son of Late Bengali Singh,
2. Most. Bindhyachal Choudhry @ Binachal Choudhry, wife of Late Dadan Choudhary, Both Resident of Village- Songhatta, P.S.- Koilwar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dinesh Pandey, son of Late Shiv Bilas Pandey Resident of Village- Kuberchak, Kulharia, P.S.- Koilwar, District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey

For the Opposite Party/s : Mr. Sri Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 10-01-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Complaint Case No. 645C of 2017 instituted for the offence under Sections-420, 467, 468 and 120B of the Indian Penal Code.

Counsel for petitioners has submitted that the case is of civil nature. The sale deed has been executed in the year 2015 and the complaint has been filed after two years in the year, 2017.

In the complaint, it is alleged against the petitioners that they executed sale deed in favour of the complainant in the year, 2015 claiming the land belonging to these petitioners. The complainant always made request with the petitioners and also the middleman Mangal Rai for demarcation of the land but they avoided. The



complainant finally came for demarcation and to take possession, then complainant learnt that the aforesaid land has already sold by mother of petitioner No. 1 on 05-05-1990 and 21-06-1997 by two sale deeds in favour of Rajbali Pandit.

Counsel for petitioners has submitted that process u/Ss 82 & 83 Cr. P.c. has also been issued against these petitioners as they have not appeared in the court below after issuance of NB/W.

Therefore, this court is not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer for anticipatory bail is rejected.

The petitioners are directed to surrender in the court below and seek regular bail which will be considered and disposed of on its own merit in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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