

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16412 of 2018

Arising Out of PS.Case No. -325 Year- 2017 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

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1. Shambhu Nath Mishra, S/o Brij Mohan Mishra,
2. Rajnish Mishra, S/o Shambhu Nath Mishra,
3. Sonam Devi, W/o Rajnish Mishra,
All R/o Village- Nagdhaha, P.S.- Malahi, Distt.- E. Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 03-04-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Govindganj (Malahi) P.S. Case No. 325 of 2017** instituted for the offence under Sections 341, 323, 379, 354, 419, 420 and 506/34 of the Indian Penal Code.

It has been submitted that petitioner No. 1 is own uncle of the informant. There is property dispute between the parties.

In the written report it is alleged that Shambhu Nath Mishra (petitioner No. 1) told the informant that he has sold the land to his daughter-in-law. The informant enquired from Registry Office and learnt that petitioner No. 1 has executed sale deed in favour of his daughter-in-law namely, Sonam Devi (petitioner No.3) who is wife of petitioner No. 2



In such circumstances, it is a matter of purely civil dispute.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Govindganj (Malahi) P.S. Case No. 325 of 2017**, they shall be released on anticipatory 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, Motihari, East Champaran**, subject to the conditions as laid down under Section 438 (2) 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 be liable to cancel their bail bond 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)

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