

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41232 of 2017

Arising Out of PS.Case No. -224 Year- 2016 Thana -GARDANIBAGH District- PATNA

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1. Sandhya Singh, W/o- Sri Sanjay Singh
2. Abhay Singh @ Abhay Kumar Singh, S/o- Sri Lallan Singh @ Bachcha Singh
3. Ajay Singh, S/o- Sri Lallan Singh @ Bachcha Singh All are Resident of- Sarishtabad Rajputana, P.S.- Gardanibagh, Town & District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sharda Devi, W/o- Sri Suresh Singh, Resident of Village- Ranipur, P.S.- Paliganj, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 09-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Gardanibagh P.S.

Case No. 224 of 2016 instituted for the offence under Sections
341,323,406,420,467,468,34 of the IPC.

It is alleged in the complaint petition which was sent

by the Chief Judicial Magistrate, Patna under Section 156(3)

Cr.P.C. that Lalan Singh executed sale deed on 30.05.2012 in

favour of the complainant in respect to land as mentioned in the

complaint petition. The allegation has been made in the complaint

petition that aforesaid land was already sold by ancestors of Lalan

Singh in the past.



Learned counsel for the petitioners submitted that the petitioner no. 1 is daughter-in-law of accused no. 1, petitioner no. 2 and 3 are sons of accused no. 1, they are only witnesses of the said sale deed. They have only put their signature on the sale deed. It is further submitted that before purchase of land, the informant and her daughter Kaushalya Devi has earlier purchased the part plot of land measuring an area of 2.343 decimals of land through registered sale deed bearing no. 26101, dated 14.10.2011 and thereafter rest 3.125 decimal (about one Katha) has been purchased by the informant. After purchase of land by the informant and her daughter both the persons have got their name mutated in register-II and making payment of rent to Government of Bihar. It has been further submitted that after lapse of four years of execution of sale deed the instant case has been lodged against these petitioners because some disturbance was faced by informant for possession of the land on the spot. The civil remedy is available to the informant for such trouble.

As such, from perusal of the nature of allegation, it appears that this is a matter of purely civil dispute.

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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Gardanibagh P.S. Case No. 224 of 2016 to the satisfaction of learned C.J.M., Patna 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers 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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