

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61524 of 2017

Arising Out of PS. Case No.-197 Year-2017 Thana- KESARIA District- East Champaran

Salim @ Md. Salim Son of Nabi Hassan Betab Resident of village- Rampur
Kondar, P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 61940 of 2017

Arising Out of PS. Case No.-197 Year-2017 Thana- KESARIA District- East Champaran

1. Nabi Hassan Betab @ Nabi Hassan, Son of Tafizzul Hussain.
2. Shafquat Ali, son of Nabi Hasan Betab @ Nabi Hassan.
3. Zaitun Nisa, Wife of Nabi Hassan Betab @ Nabi Hassan, All
resident of Village- Rampur Kondar, P.S.- Kesariya, District-
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 61524 of 2017)

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Opposite Party/s : Mr. SMT PUSHPA SINHA

(In Criminal Miscellaneous No. 61940 of 2017)

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Opposite Party/s : Mr. SRI SHYAMESHWAR DAYAL

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek Anticipatory bail in connection with



Kesariya P.S. Case No. 197 registered under Sections 341, 323, 324, 325, 307, 379, 504, 506/34 of the Indian Penal Code.

The informant in his fardbeyan has stated that he had purchased the land from accused and thereafter was cultivating the land when accused persons came there variously armed and assaulted them. It has been contended on behalf of the petitioners that they have certainly executed a sale deed in favour of informant but it was a conditional sale that title would pass on them only on the payment of consideration money and thereafter no consideration amount was paid and informant had also filed a Civil Suit for declaration of his title on the basis of sale deed executed in his favour which was dismissed for default and no steps were taken for restoration of suit.

Considering the facts and circumstances of the case, prayer of Anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Motihari, District- East Champaran, in connection with Kesariya P.S. Case No. 197 of 2017, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

(S. Kumar, J)

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