

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62139 of 2017

Arising Out of PS.Case No. -61 Year- 2017 Thana -NAWADA District- NAWADA

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1. Lalo Chauhan S/o late Bhola Chauhan
 2. Deva Nand Chauhan S/o late Bhola Chauhan Both residents of village/mohalla - Budhaul Jangal Beldari, P.S. - Nawada, District - Nawada.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj
For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Nawada PS case no. 61 of 2017 registered for the offences punishable under Sections 341, 323, 420, 467, 468, 471, 120(B)/34 of Indian Penal Code.

The allegation in the complaint is regarding one Bachchi Devi selling the land of the complainant though the complainant is the owner of the said land. It is further alleged that the petitioners are the witnesses in the said sale deed.

The learned counsel for the petitioners submits that admittedly, even as per the allegations leveled in the complaint petition, there is no written partition between the complainant and the accused



persons and the land still belongs to the grandfather of the complainant hence, it cannot be said that the complainant is the owner or the possessor of the said land. It is further submitted that the alleged forged sale deed has not been produced till date so as to show that the petitioners are the witnesses in the said sale deed. Lastly, it is submitted that at best, the cause of action against the complainant lies before an appropriate civil court having the proper jurisdiction to deal with the said case. It is also contended that the petitioners have a clean antecedents.

Having regard to the facts and circumstances of the present case more particularly, the fact that the allegations leveled in the complaint petition pertain to civil dispute, I direct the 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, to be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in connection with Nawada PS case no. 61 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J.)

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