

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46186 of 2018

Arising Out of PS. Case No.-9 Year-2016 Thana- KHAGARIA COMPALINT CASE District-
Khagaria

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1. Rekha Devi, W/o Raj Kumar Yadav, R/o Vill.- Hathwan Tola, Morkahi,
 2. Shambhu Yadav S/o Ramdeo Yadav, R/o Vill.- Roun, Both of P.S.- Alouli , District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ramjapo Yadav S/o Late Ganga Yadav, R/o Vill.- Rampur Alouli, Chharrapatti, P.S.- Alouli, District- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal
For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Complaint Case no.
09 C of 2016 instituted for the offence under Section(s) 420,
467, 468 and 120B of the Indian Penal Code.

It is alleged that the complainant has purchased the land
in favour of his wife from Sharwan Kumar Bajaj and came in
possession over the same. It is further alleged that accused
Sharwan Kumar Bajaj again executed a sale deed in favour of
petitioner no.1, namely, Rekha Devi on 26.10.2015 and on the
basis of the aforesaid sale deed Sharwan Kumar Bajaj is trying



to give possession of land to petitioner no.1. Petitioner no.2 is alleged to be one of the witness on the sale deed. The complainant has already entered into a settlement with Sharwan Kumar Bajaj. Sharwan Kumr Bajaj has already been granted anticipatory bail by this Court vide order dated 8.5. 2018 passed in Cr. Misc. no. 883 of 2018. Petitioner no.1 is the bonafide purchaser from Sharwan Kumar Bajaj after payment of consideration money. This Court finds that it is a matter of purely civil dispute for which complainant has civil remedy.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with complaint case no. 09 C of 2016, 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 the SDJM, Khagaria, 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 absence on two consecutive dates without



proper and reasonable reason will automatically cancel bail bond of the petitioners 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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