

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44957 of 2018

Arising Out of PS.Case No. -58 Year- 2017 Thana -IMAMGANJ District- GAYA

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1. Chunki Devi, W/o Upendra Prasad @ Upendra Yadav,
 2. Surendra Yadav, son of Upendra Prasad @ Upendra Yadav
 3. Birendra Yadav, S/o Upendra Prasad @ Upendra Yadav,
- All R/o Vill.- Manjara, P.S.- Imamganj, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 08-08-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Imamganj P.S.**

Case No. 58 of 2017 instituted for the offence under Sections 406, 420 and 506/34 of the Indian Penal Code.

Counsel for the petitioners has submitted that petitioners and informant are own *Gotiyas*. The instant case has been filed on account of land dispute between the parties. It has further been submitted that Upendra Prasad @ Upendra Yadav husband of petitioner No. 1 and father of petitioner Nos. 2 and 3 died. Petitioner Nos. 2 and 3 have no knowledge whether the informant had paid amount of Rs.50,000/- to their father. In the written report there is no mention about date and time nor any document has been filed to prove that informant had paid money to father of petitioner Nos. 2 and 3.



In this manner, from the written report itself it appears that 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 **Imamaganj P.S. Case No. 58 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 **Sub Divisional Judicial Magistrate, Sherghati (Gaya)**, 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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