

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25952 of 2018

Arising Out of PS.Case No. -308 Year- 2016 Thana -GARDANIBAGH District- PATNA

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1. Dayali Jamadar aged about 68 years, s/o late Dular Chand Jamadar,
resident of Deokali, P.S.- Dhanarua, P.O.- Bir, District- Patna.
.... Petitioner/s

Versus

1. The State of Bihar
.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP
Mr. Vibhuti Ranjan Sonvadra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 17-05-2018 Heard learned counsel for the petitioner and learned
APP for the State as well as counsel for the informant.

Petitioner apprehends his arrest in **Gardanibagh**
P.S. Case No.308 of 2016 instituted for the offence under
Section(s) 341, 323, 379, 447, 452, 420, 467, 468, 471 Indian
Penal Code.

It is alleged in the written report that the informant
entered into agreement for sale with Sudhanshu Paswan and
Suraj Paswan on 01.09.2016 with respect to the land as
mentioned in the written report. On 14.10.106 when they went
for measurement of the land, then this petitioner raised objection
and claimed that he has purchased the property. It is alleged in
the Complaint Petition, which was sent to PS under Section 156



(3)Cr.P.C. that the Complainant/informant got copy of the sale deed dated 15.03.2010 through Internet from which it appears that this petitioner got the same sale deed executed in the name of his wife and other accused persons also helped him.

In the Counter Affidavit filed by the informant, it is stated that ancestor of Bhaju Tiwari executed sale deed in 1991 and Dinesh Tiwari has no right and title over the land. He has no right to sale the land, in question, in favour of wife of the petitioner on 09.09.2016.

This Court finds that it is a matter of purely civil dispute.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Gardanibagh P.S. Case No.308 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate-cum-Sub Judge XIV, Patna**, 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner 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 petitioner.

(Sanjay Priya, J)

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