

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33539 of 2017

Arising Out of PS.Case No. -1380 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Shakuntala Devi, wife of late Mukhiya Mallah,
 2. Vinod @ Vinod Chaudhary, son of late Mukhiya Mallah,
 3. Manoj, son of late Mukhiya Mallah, all residents of Mohalla - Kurji Pul,
P.S. Digha, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. T. P. Vishwakarma @ Raj Kr. Vishwakarma, S/o Ramanand
Vishwakarma, Mohalla- Kurji Pul, Sadakat Ashram, P.S. - Digha,
District - Patna.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Smt. Sucheta Yadav, APP

Mr. Kamal Kishore Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 06-02-2018

Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in **Complaint**
Case No.1380-C of 2015 instituted for the offence under
Section(s) 406, 323, 448 Indian Penal Code.

As per Complaint Petition, agreement was entered
into between the Complainant and the petitioners for purchase of
land. It is alleged that rupees three lac eighty thousand was
advanced to the petitioners at the time of making agreement. The
Complainant came in possession of the land and constructed two
rooms over the aforesaid land.

This Court is unable to understand as to how the



Complainant got title over the land on the basis of agreement and constructed two rooms.

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.1380-C of 2015**, 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 **Judicial Magistrate, 1st class, 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) 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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