

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52583 of 2017

Arising Out of PS.Case No. -960 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Sagar Sah @ Ram Sagar Sah, Son of Natho Sah, Resident of Jola, Sirsi,
Mauza Mahathi, P.S.- Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Laxmi Sah, S/o Late Natho Sah, Resident of Tola Sirsi, Mauja Mahthi,
P.S.- Bibhutipur, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyam Bharti

For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 15-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Complaint Case No. 960
of 2015 instituted for the offence under Sections-323, 406, 420 of the
Indian Penal Code.

It has been submitted that the complainant and the
petitioner are full brothers. There is land dispute between the parties.
The alleged sale deed has been executed on 30-11-2013 and the instant
complaint has been filed on 29-10-2015 after delay of about two years.

In the written report, it is alleged that this petitioner
executed sale deed with respect to land in favour of the complainant
after taking consideration amount of Rs. 1,85,000/- which was later on,
found to be land, shown as surplus land in the ceiling proceeding.

It has been submitted that petitioner and complainant are
full brother and there is land dispute between them.

In this manner, it is a matter of civil dispute.



Counsel for the complainant has appeared and opposed the prayer.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Complaint Case No. 960 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera, Samastipur subject to condition as laid down u/S 438(2) of the 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 absence on two consecutive dates without proper and reasonable reason, will liable to cancel bail bond of the petitioner 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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