

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51899 of 2017

Arising Out of PS.Case No. -37 Year- 2017 Thana -BUDDHACOLONY District- PATNA

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1. Deepak Paswan @ Deepak Kumar S/o Late Ram Ishwar Paswan, R/o
Dujra, Budha Colony, P.S.- Budha Colony, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rupak Kumar

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 11-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Budhacolony P.S. Case
No. 37 of 2017 instituted for the offence under Sections-467, 471, 385
and 120(B) of the Indian Penal Code.

It is alleged in the written report that the informant had
three sisters. Their Fufi late Asma Khatoon wife of late Zafar Alam
gave 2 Katha and 7 Dhurs of land to her younger son Sarwar Alam
during her life time. The aforesaid Sarwal Alam gave the aforesaid land
in favour of the complainant and her three sisters by way of Hibba on
02-05-2001 which was accepted by them. It is further alleged that
Sarwar Alam sold the land to this petitioner through registered sale
deed on 19-01-2010.

Counsel for the petitioner has submitted that the petitioner
is a bona fide purchaser of land after giving consideration money from



Sarwar Alam by sale deed dated 19-01-2010. He has annexed copy of sale deed as Annexure-2. It has further been submitted that after 7 years of execution of sale deed, the instant case has been filed.

From the nature of allegation, the dispute appears to be of civil nature.

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 Budhacolony P.S. Case No. 37 of 2017 to the satisfaction of Smt. Ritu Kumari, learned Judicial Magistrate-Ist Class, Patna 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 automatically 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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