

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60666 of 2017

Arising Out of PS.Case No. -464 Year- 2010 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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1. Smt. Shakuntla Devi, Wife of Late Vijay Kumar @ Vijay Sharma
2. Subodh Kumar, S/o Late Vijay Kumar @ Vijay Sharma
Both residents of Village - Khaira, P.S. - Parasbigaha, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Binod Kumar @ Binod Kumar Singh, s/o late Haribansh Nr. Singh R/o
Village - Khaira, P.S. - Parasbigaha, District - Jehanabad at present
resident of Mohalla - Thana Road, P.O. + P.S. - Jehanabad, District -
Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate.
For the informant : Mr. Birendra Kumar, Advocate.
Mr. Ram Sewak Prasad, Advocate.
For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 06-02-2018 Heard learned counsel for the petitioners, learned
counsel for the State and the learned counsel for the complainant.

The petitioners apprehend their arrest in **Trial No.**
1984 of 2012 arising out of Complaint Case No. 464 of 2010
instituted for the offence under Section 420 of the Indian Penal
Code.

It is alleged in the complaint petition that complainant
are two brothers. The partition has taken place between them
during life time of his father. It is alleged that Plot No. 353, area 2
decimal was allotted in the share of the complainant. But the same



was sold by petitioner No. 1 in connivance with other accused persons in favour of Smt. Manjhari Devi accused No. 3, in which, Subodh Kumar (petitioner No. 2) was witness and accused No. 4 Mahavir Bhagat was identifier.

In this manner, from the complaint petition itself it appears that the informant and the petitioner belong to common ancestor. There is civil dispute between the parties for ancestral property.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Trial No. 1984 of 2012 arising out of Complaint Case No. 464 of 2010**, 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 **Sri R.K. Rajak, learned Additional Chief Judicial Magistrate, Jehanabad**, 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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