

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44362 of 2018

Arising Out of P.S.C.ase No. -102 Year- 2018 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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1. Hiralal Chaudhary @ Harilal Chaudhary,
2. Kanhaiya Chaudhary @ Kanhaiyalal Chaudhary Both Sons of Late
Ramdeo Chaudhary, R/o Vill.- Srikalpur, P.S.- Guthani, District- Siwan.
3. Harihar Ram S/o Sahdeo Ram, R/o Vill.- Sonhaura, P.S.- Guthani,
District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Om Prakash Sahani S/o Narayan Sahni, R/o Vill.- Sonhaura, P.S.-
Guthani, District- Siwan. Add. Vikash Nagar, Moli, Jagran, Chandigarh.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-07-2018 Heard learned counsel for the petitioners as well as
the State.

The petitioners apprehend their arrest in Complaint
Case No. 102 of 2018, instituted for the offences punishable under
Sections 120(B), 341, 323, 364, 302, 407, 468 and 471/34 of the
Indian Penal Code.

Learned counsel for the petitioners has submitted that
the alleged occurrence is said to have taken place on 05.05.2017,
06.06.2017 and 23.12.2017 but the complaint case has been filed
on 10.01.2018. It is alleged that the grandfather of the complainant



had sold his land on 06.06.2017 to petitioner nos. 1 and 2 for his maintenance as the complainant and his father were not looking after his grandfather. The instant case has been filed by the complainant only to pressurize the petitioners for returning the aforesaid land to him. The grandfather of the complainant had died natural death on 09.12.2017 after execution of sale deed on 06.06.2017 in favour of the petitioners. A copy of the invitation of Shradh ceremony has been annexed as Annexure-2.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Complaint Case No. 102 of 2018, 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 learned Additional Chief Judicial Magistrate-II, Siwan, subject to the conditions as laid down under Section 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) 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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