

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52525 of 2018

Arising Out of PS. Case No.-380 Year-2017 Thana- MADHAURAH District- Saran

1. Lal Muni Devi @ Lalmuni W/o Gena Pandit
2. Gena Pandit S/o Late Chhabila Pandit
3. Ram Manohar @ Manohar Pandit @ Kumar Manohar son of Gena Pandit.
All R/o village Marhaurah North, Purani Bazar, P.S.Marhourah, Dist. Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh
For the Opposite Party/s : Mr. Sri Dilip Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 05-09-2018 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

Petitioners apprehend their arrest in Marhowrah P.S. case no. 380 of 2017 instituted for the offence under Section(s) 452, 386 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that other accused persons have already been granted anticipatory bail by orders passed in Cr. Misc. nos. 17991 of 2018 and 37390 of 2018 dated 11.4.2018 and 11.7.2018 respectively.

Learned counsel for the opposite party no.2 has submitted that case of these petitioners is on similar footing with those accused persons. It is also submitted that there is dispute



between the informant and petitioner with regard to house in-question.

In the written report, it is alleged that the house of Lalmuni Devi was under mortgage in State Bank of India, Marhowrah Branch, and the same was purchased by the informant through Bank after making payment and the mortgage was redeemed. It is further alleged that while informant was getting aforesaid house repaired, Lalmuni Devi, Gena Pandit and his other family members caused obstruction in repairing work of the said house and also started abusing and assaulting the informant. The cousin brother who was also repairing the house, fled away from the place of occurrence. It is further alleged that petitioners broke the lock of the house and co-accused Lalmuni Devi and other persons entered into the house and gave threat to kill the informant.

From the written report itself this court finds that there is dispute between the petitioner and informant with regard to house in-question. The informant is alleged to have purchased the house through Bank which was mortgaged by this petitioner. In such circumstances, this Court finds that it is a matter of civil dispute between the parties.

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 Marhowrah P.S. case no. 380 of 2017, corresponding to G.R. No. 6203 of 2017 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 J.M. 1st Class, Saran at Chapra, 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)

shyambihari/-

U		T	
---	--	---	--

