

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9064 of 2018

Arising Out of PS. Case No.-167 Year-2017 Thana- HATHAURI District- Muzaffarpur

Sanjay Kumar, S/o Sri Uma Nath Prasad Singh, Resident of Mohalla-
Panchwati Colony (Behind Science College), P.O.- Khabra, P.S.- Sadar,
District- Muzaffarpur ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Vivek Kumar, Adv.
For the State : Mr. Anand Mohan Prasad Mehta, APP 9
For the informant : Mr. Kumar Parveen, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 26-03-2018 Heard the parties.

This is a petition for grant of anticipatory bail for offences under Sections 341, 323, 379, 467, 469, 471, 504 and 120B of the Indian Penal Code.

It is alleged by the informant that her husband died in the year 2011. After the death of her husband, her mother-in-law, Indu Sinha, got a piece of land from family partition of her husband, which is about 0.09 decimal. After death of her husband when she went to her land, her mother-in-law and dewar abused and assaulted her. When the informant asked about the papers of the said land, the mother-in-law told that her husband executed the sale deed in her favour on 03.08.2009. It has further been alleged that informant enquired about the document and paper of sale deed and came to know that the same has fraudulently been transferred in the name of her



mother-in-law through fake person. The sale deed does not bear the signature and photograph of her husband. Learned counsel for the petitioner has submitted that alleged sale deed was executed in 2009 and husband was alive till 2011. The case has been filed in the year 2017. Learned counsel for the petitioner has submitted that Indu Sinha, mother-in-law of the informant, has already been granted anticipatory bail by this Court on 08.03.2018 in Cr. Misc. No. 11761 of 2018.

Learned counsel for the informant has appeared and opposed the prayer for bail.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Hathauri P.S. Case No. 167 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate-cum-Sub Judge, X, Muzaffarpur**, subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tempers 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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