

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12867 of 2018

Arising Out of PS. Case No.-556 Year-2016 Thana- FORBESGANJ District- Araria

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1. Nirmal Kumar Agrawal.
 2. Sawar Mal Agrawal.
 3. Rajendra KUMar Agrawal. All Sons of late Bhagwat Ram Agrawal.
 4. Kalyan Kumar Agrawal Son of Shriniwas Agrawal. All Resident of Sunder Lane, Ward No. 16, P.O> and P.S. Forbesganj, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Mr. Mohit Agarwal,
Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-03-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Forbesganj P.S. Case No. 556 of 2016, G.R. No. 3483 of 2016 (arising out of Complaint Case No. 1320 of 2016) instituted for the offence under Sections 406,420,467,468,471,120B 504/34 of the IPC.

Counsel for the petitioners has submitted that it is a matter of purely civil dispute. It has been submitted that 8 ¼ decimal of land was sold on 15.05.1985 to Abdul Nasir by father of petitioner, but he has made manipulation in the aforesaid sale deed and entered larger area for which a case has already been filed against Abdul Nasir vide Forbesganj P.S.



Case No. 555 of 2016 under Sections 420, 466, 467,468,471,474,477,120B and 34 of the IPC, in which police has submitted final form, on the basis of which petitioner no. 1 filed a protest petition before learned C.J.M., Araria which resulted in an order taking cognizance in the case. It has further been stated that the petitioners also filed title suit no. 392 of 2016 in the court of learned Munsif, Araria in which Abdul Nasir and the complainant were made defendants. It is alleged in the instant case that when complainant started making construction on the said land, Abdul Nasir raised objection saying that the aforesaid land was sold in his favour by father of petitioner on 15.05.1985.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their 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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Forbesganj P.S. Case No. 556 of 2016, G.R. No. 3483 of 2016 (arising out of Complaint Case No. 1320 of 2016) to the satisfaction of the learned Chief Judicial Magistrate, Araria, subject to condition as laid down



u/S 438 (2) of the Cr. P.C. with further conditions (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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners 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 petitioners.

(Sanjay Priya, J)

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