

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46611 of 2018

Arising Out of PS.Case No. -131 Year- 2018 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Sushil Mishra S/o Late Ramsinghsan Mishra R/o Village- Rampur, P.S.-
Shikarpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar null null

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 25-08-2018 Heard learned counsel for the petitioner as well as the

State.

The petitioner apprehends his arrest in Shikarpur P.S.
Case No. 131/2018, instituted for the offences punishable under
Sections 323, 420, 467, 468, 469, 504 and 120(B) of the Indian
Penal Code.

In the complainant petition, the complainant has
alleged that in spite of final decree in favour of complainant with
regard to land pertaining to Khata no. 36, Plot No. 91 the
petitioner has executed sale deed in favour of co-accused
Najmuddin Ansari, on which he is doing construction.

Learned counsel for the petitioner has submitted that
petitioner and informant are full brother. During pendency of
Partition Suit no. 102/2002, the land in question had fell in the



share of petitioner. It is further submitted that this is a matter of pure civil dispute.

Considering the facts and circumstances of the case, the 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 Shikarpur P.S. Case No. 131/2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran, 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) petitioner 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 petitioner and (3) if petitioner 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 petitioner.

(Sanjay Priya, J.)

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