

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4930 of 2018

Arising Out of PS.Case No. -2313 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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Ritlal Sah, S/o Maldu Sah @ Malahu Sah, r/o village- Baturbari, P.S.-
Tarabari, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shiv Shankar Bhagat, S/o Ramakant Bhagat, r/o village- Baturbari, P.S.-
Tarabari, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naushaduzzoha, Advocate.
For the informant : Mr. Mukesh Kumar Rana, Advocate.
For the State : Mr. Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-05-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the State.

The petitioner apprehends his arrest in **Complaint
Case No. 2313 of 2015** instituted for the offence under Sections
420 and 406 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
sale deed is alleged to have been executed on 16.09.2011 and the
complaint has been lodged after delay of more than four years i.e.
in the year 2015.

It is alleged in the complaint petition that petitioner
has executed sale deed in favour of the complainant with respect
to the land as mentioned in the complaint petition after taking



consideration money. It is further alleged that possession of the land is not given to the complainant by petitioner. The complainant made request for possession and on 09.08.2015 petitioner identified the land in question to the complainant. The complainant went to plough the land then some protest was made by people of scheduled caste saying that the land belongs to the Bihar Government.

This Court from the nature of allegation finds that this is a matter of purely civil dispute.

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

Considering the facts and circumstances of the case, 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 **Complaint Case No. 2313 of 2015**, 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 learned **Chief Judicial Magistrate, Araria**, 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) 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 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 petitioner.

S.Ali/-

(Sanjay Priya, J)

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