

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2890 of 2018

Arising Out of PS.Case No. -48 Year- 2017 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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Bhola Tiwari, S/o Late Mahabir Tiwari, R/o Village- Turhapatti, P.S.-
Sirisiya O.P. (Chanpatiya), District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate.

For the Opposite Party/s : Mr. Ramesh Chandra, A.P.p.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Chanpatiya (Sirisiya O.P.) P.S. Case No. 48 of 2017** instituted for the offence under Sections 420 and 406 of the Indian Penal Code.

As per First Information Report, informant gave Rs.2,21,000/- in six installments to the petitioner on his demand for marriage of daughter of the petitioner. It is alleged that earlier Rs.50,000/- was given to the petitioner by the informant and the land was mortgaged. The petitioner told the informant to pay remaining amount and he will execute sale deed, but on 30.9.2016, when the informant told to execute the sale deed, the petitioner refused to do so.

Learned counsel for the petitioner has submitted that informant is in possession of the land of the petitioner and he has filed the instant case to make pressure upon the petitioner to execute the sale



deed.

From the allegation in the written report, it appears that there is land dispute between the parties.

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 **Chanpatia (Sirisiya O.P.) P.S. Case No. 48 of 2017**, 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, Bettiah, West Champaran**, 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 their 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.

(Sanjay Priya, J)

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