

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30640 of 2018

Arising Out of PS.Case No. -348 Year- 2017 Thana -SULTANGANJ District- BHAGALPUR

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1. Binod Sah, S/o Late Puran Sah,
2. Mantu Sah,
3. Raman Sah,
4. Sharwan Sah,

Sl. No. 2 to 4 are Sons of Late Mahajan Sah,

5. Birendra Sah, S/o Bhangi Sah
6. Bhangi Sah, son of late Mukundi Sah

All R/o Vill.- Abjuganj, P.S.- Sultanganj, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 29-06-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Sultanganj**
P.S. Case No. 348 of 2017 (G.R. No. 5432 of 2017) instituted for
the offence under Sections 406, 420 and 34 of the Indian Penal
Code.

In the written report it is alleged that petitioner No. 1
has sold the land of Sri Ram Janki Religious Trust Samiti in
Mouza Abuganj, P.S. and Anchal Sultanganj for consideration
amount of Rs.18,000/-. Petitioner Nos. 2, 3, 4 and 5 are
constructing house by grabbing the land of Religious Trust.



Petitioner No. 6 has got sale deed executed of the aforesaid land.

Learned counsel for the petitioners has submitted in paragraph-13 and onward of the bail petition that Puran Das @ Puran Sah (father of petitioner No. 1) has purchased the land in the year 1943 and the property in question is self acquired property of father of petitioner No. 1. The father of petitioner No. 1 had also filed Title Suit No. 15 of 1997 for declaration of his right, title and interest and the learned Sub Judge 9th, Bhagalpur, has passed the Judgment on 11.12.2000 in favour of father of petitioner No. 1. The Title Appeal No. 3 of 2001 was filed against the judgment passed by the Sub Judge 9th, Bhagalpur, and the same was also dismissed.

In this manner, it is a case of purely civil dispute.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Sultanganj P.S. Case No. 348 of 2017 (G.R. No. 5432 of 2017)**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-I, Bhagalpur**, 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) petitioners 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 their bail bond and (3) if petitioners 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 petitioners.

(Sanjay Priya, J)

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