

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56026 of 2018

Arising Out of PS.Case No. -433 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN (MOTIHARI)

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1. Manoj Kumar Jaiswal, S/o Late Mahadeo Sah,
2. Shilpa Kumari Gupta @ Shilpa Gupta W/o Manoj Kumar Jaiswal,
Both are R/o Mohalla- Shri Ram Nagar, Ward No. 14, Bank Road, P.S.-
Chatauni, District- East Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. Must. Sushila Devi Sharma W/o Late Gopal Vishwa Karma, R/o
Mohalla- Janpul Chowk, P.S.- Town Motihari, District- East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Dilip Kumar Tondon, Advocate.

For the Opposite Parties : Mr. S.N.P. Sinha
Mr. J.N. Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the
offences alleged under Sections 420, 465 of the Indian Penal Code
registered in connection with Complaint Case No. C433 of 2015.

3. It is submitted that the petitioners have been
falsely implicated and the complaint has been filed about five
months after the alleged occurrence. The allegation that the
petitioner had fraudulently taken the land of the opposite party
no. 2 is improbable inasmuch as she is a Graduate lady and has



participated in the registration process. Further, she has also filed Title Suit on 20.05.2015 for the same cause of action as well as for cancellation of the sale deeds. The petitioners claim clean antecedents.

4. Learned counsel for the Complainant appears and opposes the bail petition.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-6th, Motihari, East Champaran in connection with Complaint Case No. C433 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors of each of the petitioners shall be their close relative other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioners shall cooperate with the



investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/-

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