

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3387 of 2018

Arising Out of PS.Case No. -363 Year- 2017 Thana -SONEPUR District- SARAN

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1. Jitendra Kumar Yadav, son of Bijali Prasad Yadav @ Bijeli Prasad Ray, r/o village Govindchak, P.S. Sonapur, Distt. Saran.
 2. Lalit Narayan Yadav, son of late Chchidanand Rai, r/o village Parmanandpur, P.S. Sonapur, Distt. Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate.

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Sonepur P.S.**

Case No. 363 of 2017 instituted for the offence under Sections 420, 468, 469, 471 and 120(B) of the Indian Penal Code.

It is alleged in the written report that son of the informant namely, Gaurav Singh who is minor and his date of birth is 28.8.2000, is mentally ill and drug addict. He is not capable to understand. It is further alleged that on 2.8.2017 without knowledge of the informant, these petitioners after hatching conspiracy, has got executed sale deed in their favour with respect to 2 Katthas, of land bearing Khata No. 123, Survey Plot No. 600 and Surevey Plot No. 601, area 3 Kattha 10 Dhoors.



Learned counsel for the petitioners has filed supplementary affidavit wherein they have annexed sale deed executed by son of the informant in favour of the petitioners as Annexure-5 to the supplementary affidavit, which shows, that the sale deed in question has been executed after taking consideration money of Rs.21,50,000/-. There is no mention in the sale deed that son of the informant who has executed the sale deed was minor. It has further been submitted that Civil Suit for cancellation of aforesaid sale deed vide Civil Suit No. 168 of 2017 is pending between the parties.

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 **Sonepur P.S. Case No. 363 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, Saran at Chapra**, 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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