

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16186 of 2018

Arising Out of PS.Case No. -217 Year- 2017 Thana -SAMASTIPUR District- SAMASTIPUR

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1. Gautam Chaterjee, Son of Late Sudhanshu Kumar Chaterjee,
2. Anajli Chaterjee @ Anajuhi Chatarjee, Daughter of Late Sudhanshu Kumar Chaterjee, Both are resident of Mohalla- Kashipur, Ward No.12(New), West of Patel Maidan, P.S.- Town Samastipur, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-03-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Samastipur Town P.S.

Case No. 217 of 2017 instituted for the offence under Sections-419, 420, 467 & 471/34 of the Indian Penal Code.

It is alleged in the written report that petitioner No. 2 executed sale deed in favour of the informant and deliberately mentioned plot No. 670 in place of Plot No. 270. The plot No. 670 is a government land being Patel Maidan. The informant has further alleged in the written report that when he applied for mutation then the same was rejected on the aforesaid ground that plot No. 670 is Patel Maidan.



Counsel for Opposite Party No. 2 submits that it was a clerical mistake in the sale deed. He is always ready to make necessary correction in the sale deed in accordance with law,. He has stated that the informant may prepare document for necessary amendment as early as possible and he will put his signature on those documents and will appear before the concerned authorities for necessary amendment.

In such circumstances, the petitioners named above are directed to surrender within four weeks from the date of receipt/production of this order and in that event, the court below will release the petitioners on provisional anticipatory bail for a period of six months from the date of receipt/production of copy of this order, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Samastipur Town P.S. Case No. 217 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Samastipur subject to condition as laid down u/S 438(2) of the 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 absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner 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 petitioners.



Both the parties will prepare necessary document for correction in the sale deed in the meantime. The provisional bail of the petitioner will be confirmed after necessary correction in sale deed.

The informant will be at liberty to file petition for cancellation of bail bond of the petitioners, in the event, necessary correction is not made in the sale deed by the petitioners within a period of six months from their release.

(Sanjay Priya, J)

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