

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20124 of 2018

Arising Out of PS. Case No.-256 Year-2017 Thana- GOPALPUR District- Patna

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1. Jagar Nath Prasad
 2. Baijnath Prasad
 3. Sanjay Kumar All 1 to 3 are sons of late Gopal Mahto Resident of Mohalla- Dadarmandi, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaishav Kumar, Advocate

For the Opposite Party/s : Mr. Umeshnand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 19-04-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Gopalpur P.S. Case No. 256 of 2017, instituted for the offence under Sections 427,379,384/34 of the IPC.

Learned counsel for the petitioners has submitted that it is a case of civil dispute. In the written report, the informant alleged that she has purchased the land by registered sale deed from one Late Mohan Prasad and came in possession of the aforesaid land in 2004.

It is alleged that on the date of occurrence these petitioners had taken away the stock of sand, bricks, stone chips etc., which was stored on the aforesaid land for construction



work.

As such there is general and omnibus allegation.
There appears to be land dispute between the parties.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Gopalpur P.S. Case No. 256 of 2017, to the satisfaction of the learned ACJM-IX, Patna, 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) petitioners shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners 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.

(Sanjay Priya, J)

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