

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10159 of 2018

Arising Out of PS.Case No. -39 Year- 2017 Thana -SRINAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Anwarul Haque Son of late SK Mahmood
2. Khalil Dewan Son of Israil Dewan
3. Md. Quraish Son of Sk. Amanullah
4. Rais Alam@ Raisul Haque Sonof Shamshul Haque All resident of Village- Siswan, P.S. Banjaria, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 28-03-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in Sri Nagar P.S. Case No.39 of 2017 for the offence under Sections 341, 323, 354, 354(C), 447, 380, 504, 506/34 of I.P.C.

It is alleged in the written report that on the date of occurrence all these petitioners along with other unknown three accused persons on account of land dispute came to the house of the informant and petitioner no.1 abused her and asked about her husband upon which she replied him that he had gone to the market. Then petitioner no.2 pulled the hand of the informant who



happened to be pregnant on account of which she fell down. Petitioners entered the room and looted ornaments and leather bag containing cash Rs.1,10,000/- of her husband and paper etc.

Counsel for the petitioners submits that there is land dispute between the parties. In paragraphs 6 and 7 of the petition statement has been made that the husband of the informant, namely, Hamidullah had taken advance of Rs.5,16,000/- from petitioner no.1 for selling land measuring an area of 1 kattha 12 dhur for which he gave receipt on Stamp Paper on 16.11.2016 on which Rashul Haque (petitioner no.4) was one of witness. Petitioner no.1 started pressurizing for executing deed which was executed by husband of informant. The husband of informant came to know that informant has executed sale deed with respect to that land on 12.11.2016. The petitioner demanded refund of his amount from husband of informant then he got filed this case through his wife informant.

Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. Let the petitioners, above named, in the event of their arrest or surrender



before the court below within six weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettia, West Champaran, in Sri Nagar P.S.Case No.39 of 2017 subject to the conditions as laid down under Section 438(2) of 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 co-operate 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 bonds of the petitioners 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)

AnilKrSinha/-

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