

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41401 of 2018

Arising Out of PS.Case No. -243 Year- 2016 Thana -BANIAPUR District- SARAN

- =====
1. Gautam Sah, son of late Dharm Sah @ Dharm Nath Sah,
 2. Pintu Sah, son of Gautam Sah, both residents of village- Harpur @ Harpur Karak, P.S.- Baniyapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

For the Informant : Mr. Kundan Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 18-07-2018

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the Informant.

Petitioners apprehend their arrest in **Baniyapur P.S.**

Case No.243 of 2016 instituted for the offence under Section(s)

323, 420, 467, 468, 471 Indian Penal Code.

It is alleged in the Complaint Petition, which was sent to P.S. under Section 156(3) Cr. P.C., that on the basis of forged sale deed petitioner got initiated a proceeding under Section 144 Cr.P.C. with respect to the land of the Complainant. The Complainant after issuance of notice verified the fact and then came to know that sale deed under the signature of Dharichhan Raut is forged as he was illiterate man.

This Court is of the view that genuineness of the



sale deed can be looked only into a civil suit.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Baniyapur P.S. Case No.243 of 2016**, 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 the **Additional Chief Judicial Magistrate, II, 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 bonds 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)

JA/-

U		T	
---	--	---	--

