

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9081 of 2018

Arising Out of PS. Case No.-554 Year-2017 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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1. Neelam Devi, Wife of Balbhadra Jha
 2. Balbhadra, Jha, Son of Late Kankir Jha
 3. Roushan Kumar @ Ritesh Jha @ Ritesh, Son of Balbhadra Jha
- All are Resident of Village-Telhar, P.S.-Mahishi, District-Saharsa, at Present residing at Koshi Chowk. In front of Income Tax Office, Saharsa, P.S. + District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neetu jha, Wife of Prem Kumar jha, Resident of Village-Tiri, P.S.-Sour Bazar, District - Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 25-06-2018 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the complainant.

Petitioners apprehend their arrest in Complaint Case No. 554C of 2017 instituted for the offence under Sections 504, 420 of the Indian Penal Code.

Earlier, the matter was sent to the Mediation Centre Patna High Court. A report has been received from which it appears that matter could not be resolved in the Mediation Centre.

Learned counsel for the petitioners has submitted that it is a matter of purely civil dispute. The sale deed, as per the



allegation in the complaint petition, has been executed by petitioner no.1 in favour of the complainant. The jamabandi has also been created on the basis of the aforesaid sale deed in favour of the complainant. In the complaint petition, it is stated by the complainant in paragraph nos. 5 and 7 that sale deed was executed by petitioner no. 1 on 14.9.1982 with respect to land belonging to the petitioner no.3 and jamabandi was also created on the basis of the aforesaid sale deed.

The grievance of the complainant is that when complainant went to take possession of the land then accused persons committed obstruction in the same. It is a matter of purely civil dispute for which civil remedy is available to the complainant.

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 Complaint Case No. 554C 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 the learned Judicial Magistrate Ist Class, Saharsa 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond 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)

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