

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9572 of 2018

Arising Out of PS. Case No.-3050 Year-2014 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Subhash Chand Singh @ Subhash Chandra Singh, S/o Late Siyaram Singh, R/o Village- Bhauwa Dyrohi, P.S.- Rupauli, District- Purnea At present R/o Mohalla- Jay Prakash Nagar College, P.S.- K.Hat, District- Purnea.
 2. Om Prakash Singh S/o Late Birendra Prasad Singh, R/o Village- Bhauwa Dyrohi, P.S.- Rupauli, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Dharmendra Kumar S/o late Satya Narayan Sah, R/o Vill.+P.S.- Bhawanipur, Distt.- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh
For the Opposite Party/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 14-05-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in **C.A. Case No.3050 of 2014** instituted for the offence under Section(s) 406, 420, 467, 468 471/34 of the Indian Penal Code.

As per allegation in the complaint petition petitioner no.1 had executed sale deed on 30.10.2010 in favour of the complainant after taking consideration amount of Rs.80,000/- with respect to the land mentioned in the written report. Petitioner No.2 is identifier of the said sale deed. It is further alleged that after enquiry complainant learnt that accused



persons have executed sale deed mentioning wrong Khata and Khesra number then the petitioner No.1 again executed correction deed on 19.11.2010 and petitioner no.2 became identifier on the aforesaid correction deed but when the complainant went for mutation in the Anchal Office then it was informed that the land which has been mentioned in the correction deed does not belong to the petitioners and his name was not mutated.

Learned counsel for the petitioner has submitted it was the ancestral land of the petitioners and petitioner no.1 has executed the sale deed as co-sharer of the aforesaid land. The person in the Anchal Office is committing mischief in not mutating the name of the complainant. It is further submitted that it is purely a civil dispute.

From the nature of allegation, this court finds that it is a matter of purely civil dispute.

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 **C.A. Case No.3050 of 2014**, 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 CJM, Purnea**, 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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