

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23451 of 2018

Arising Out of PS.Case No. -1489 Year- 2016 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

- =====
1. Satyadeo Prasad, S/o Late Dasai Prasad, R/o Vill.- Sonwalia, P.S.- Baikunthpur, District- Gopalganj.
 2. Dhirendra Gajadhar, s/o late Suryanarain Gajadhar, R/o Vill.- Rajapatti Kothi, P.S.- Baikunthpur, District- Gopalganj at present resident of Road No.2, Patel Nagar East , P.S.- Shastri Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ajay Singh, S/o Yogendra Prasad Singh, R/o Vill.- Masrakh, P.S.- Masrakh, District- Saran, At present Resident of Vill.- Rajapati, P.S.- Baikunthpur, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate.
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 05-07-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Complaint Case No. 1489 of 2016, Trial No. 2104 of 2017** instituted for the offence under Sections 420, 467, 468 and 120B of the Indian Penal Code.

Notice was issued to the opposite party No. 2 but none appeared on behalf of the opposite Party No. 2.

Learned counsel for the petitioner has submitted that it is a case of civil dispute. It has further been submitted that other



co-accused persons have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 13.07.2017 passed in Cr. Misc. 26972 of 2017.

In the instant case it is alleged that on the date of occurrence co-accused Dhirendra Gajadhar came to Rajapatti and hatched conspiracy with other co-accused persons to sell the land, but the complainant learnt about it and filed a petition in the office of Registrar, due to which, Registry could not be done. Later on, all the accused persons in conspiracy with each other got executed sale deed from petitioner No. 2 by giving wrong address.

As such, it is a matter of purely civil dispute.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Complaint Case No. 1489 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 learned **Additional Chief Judicial Magistrate-XI, Gopalganj**, 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 bond 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.

S.Ali/-

(Sanjay Priya, J)

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