

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3164 of 2018

Arising Out of PS.Case No. -1233 Year- 2013 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

- =====
1. Birju Bind, S/o Late Mannu Bind @ Mannu,
 2. Suresh Bind, S/o Birju Bind, both r/o village- Machharhatta Ram Nagar,
P.S.- Ram Nagar, District- Varanasi (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Munna Bind, S/o Shiv Murat Bind, r/o village- Babhaniyar, P.S.-
Chainpur, District- Kaimur at Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Roy, APP

Mr. Ajay Nandan Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 08-05-2018

Heard learned counsel for the petitioners and learned
APP for the State as well as counsel for the Complainant-
Opposite Party No.2.

Petitioners apprehend their arrest in **Complaint**
Case No.1233 of 2013 instituted for the offence under Section(s)
420, 467, 468/34 Indian Penal Code.

It is alleged in the Complaint Petition that these
petitioners received total Rs.2,40,000/- from the Complainant and
executed Sale Deed dated 10.09.2013 in favour of wife of the
Complainant. Copy of the aforesaid Sale Deed has been annexed
by the Complainant as Annexure-1 in the supplementary Counter



Affidavit. When the Complainant went for mutation of the aforesaid land, then he came to know that the aforesaid land has already been sold by the accused persons to Ram Surat Bind by Sale Deed dated 09.07.2013.

Copy of both Sale Deeds has been enclosed by the Complainant with the supplementary Counter Affidavit. From perusal of both Sale Deeds, it appears that executor of the same is Chirai Devi. In the Sale Deed dated 10.09.2013, age of the executor has been mentioned as 65 years, whereas, in the Sale Deed dated 09.07.2013, age of the executor has been mentioned as 72 years. Both the Sale Deeds are registered documents. Descriptions of the land mentioned in the Sale Deeds are also different.

In such circumstances, this Court is of the view that these are civil disputes and 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.1233 of 2013**, 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 **Chief Judicial Magistrate, Kaimur at Bhabhua**, 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)

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