

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40764 of 2018

Arising Out of PS.Case No. -53 Year- 2016 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Upendra Rai, S/o Shankar Rai, R/o Vill.- Akauna, P.S.- Chiraiya, District- East Champaran
 2. Lakhindra Rai, S/o Bharat Rai, R/o Mishraulia, P.S.- Chiraiya, District- East Champaran.
 3. Ajay Rai, S/o Bambhola Rai, R/o Mishraulia, P.S.- Chiraiya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Anis Akhtar, Advocate.

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Dhaka P.S. Case No. 53 of 2016** instituted for the offence under Sections 419, 420, 504, 506, 427 and 34 of the Indian Penal Code.

In the written report it is alleged that petitioner No. 1 has purchased land after giving consideration money to the vendor Fani Bhushan Thakur @ Raju. Petitioner No. 2 is identifier and petitioner No. 3 is witness of the sale deed. They have no concern with the land in question.

Learned counsel for the petitioners has submitted that



husband of the complainant and Vendor of the land Fani Bhushan Thakur @ Raju comes from common agnates and family arrangement has already taken place. They are coming in possession of their separate land.

In such circumstances, this Court finds that the dispute is purely civil dispute between the parties.

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 **Dhaka P.S. Case No. 53 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 **Sub Divisional Judicial Magistrate, Sikrahna at Dhaka, Distt. East Champaran**, 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/-
Rohit Kr.

(Sanjay Priya, J)

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