

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28519 of 2018

Arising Out of PS. Case No.-1778 Year-2015 Thana- COMPLAINT CASE District- Araria

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1. Yogendra Pd. Gupta @ Yogendra Prasad Gupta, S/o Ram Lakhan Gupta, R/o Vill.- Kushmaul, Ward No. 03, P.S.- Bhargama, District- Araria.
 2. Lelanand Sah @ Lilanand Sah, S/o Sanichar Sah, R/o Vill.- Ratansar Gwalpara, Ward No. 5, P.S.- Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Maheshwar Sah S/o Ganga Sah, R/o Vill.- Ratansar, Gwalpara, Ward No. 05, P.S.- Chhatapur, District- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam, Advocate
For the Opposite Party/s : Mr. Panchanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-05-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend arrest in Complaint Case No. 1778(C) of 2015, instituted for the offence under Sections 420,406 of the IPC.

Learned counsel for the petitioners submits that it is a matter of purely civil dispute. In the complaint, it is alleged that petitioner no. 1 got executed the sale deed in respect to land as mentioned in complaint in favour of the mother of the complainant on consideration amount of Rs. 23,500/- and petitioner no. 2 was identifier on the sale deed. The complainant



went for mutation of the land and learnt that the said land is not in the name of accused no. 1. Then he got executed the sale deed of land in the name of wife of his brother namely Asha Devi and others from the legal heirs of Babuji Mishra, after making payment of the amount of Rs. 3,61,000/-. The complainant demanded his money back from the petitioners then they gave threat to the complainant.

As such, this is a matter of purely civil dispute. The anticipatory bail petition of petitioners stands allowed.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Complaint Case No. 1778 (C) of 2015, to the satisfaction of the learned Judicial Magistrate, 1st Class, Araria, subject to condition as laid down u/S 438 (2) of the 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 dated fixed by the court



and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers 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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