

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9473 of 2019

Arising Out of PS. Case No.-1805 Year-2015 Thana- COMPLAINT CASE District- Jamui

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1. Bharat Paswan, aged about 45 years, Male, S/o Late Baldeo Paswan
 2. Kaushalya Devi, aged about 40 years, female, wife of Bharat Paswan
- Both resident of village – Harnarayanpur, Police Station and District – Jamui.
... .. Petitioner/s

Versus

1. The State of Bihar
 2. Baijnath Ram, aged about 84 years, Male, Son of Late Digan Ram, resident of village – Suggi, Police Station and District – Jamui.
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 504, 420 and 467 of the Indian Penal Code.

According to complaint petition, the petitioners have purchased land of the complainant from co-accused Sujit Kumar Sinha just to cheat the complainant.

Submission of learned counsel for the petitioner is that if anyone has been cheated in the transaction, they are the petitioners because according to the complainant, they have purchased land from a non-title holder and the law is well settled that no one can transfer the better title than he himself possess.



Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that since warrant etc. has already been issued against the petitioner, the anticipatory bail application is not maintainable.

The issuance of warrant cannot be a ground for non-entertainment of an application for pre-arrest bail even in a deserving case where prayer is otherwise fit to be allowed. Hence, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No. 1805C of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

Kundan/Rajan

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