

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22547 of 2019**

Arising Out of PS. Case No.-517 Year-2018 Thana- KESARIA District- East
Champaran

- =====
1. Dashrath Rai, agted about 60 years, male, Son of Late Sukdeo Rai Resident of Village- Rajapur Mathiya, P. S.- Kotwa, District- East Champaran.
 2. Ashok Rai, aged about 30 years, male, Son of Late Sukdeo Rai Resident of Village- Rajapur Mathiya, P. S.- Kotwa, District- East Champaran.
 3. Raj Ballabh Giri, aged about 75 years, male, Son of Late Ambika Giri Resident of Village- Rajapur Mathiya, P. S.- Kotwa, District- East Champaran.
 4. Nand Giri @ Nandan Kumar Giri, aged about 28 years, male, Son of Dhanpat Giri Resident of Village- Rajapur Mathiya, P. S.- Kotwa, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate.
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 09-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 467, 468, 471, 420/34 of the Indian Penal Code registered in connection with Kesariya P.S. Case No. 517 of 2018.

3. It is submitted that the petitioner nos. 1 and 2 being the purchasers and petitioner nos. 3 and 4 being witnesses have been falsely implicated in connection with purchase of a plot of



land from co-accused Jitendra Singh who has a land dispute with the informant, they being *pattidars*. The petitioner nos. 1 and 2 are the purchasers while petitioner nos. 3 and 4 are the witnesses of the sale deed. The petitioner nos. 1 and 2 have purchased the land after paying full consideration for the same and have possession over the land. It is therefore submitted that the entire dispute is of civil nature. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Motihari, East Champaran in connection with Kesariya P.S. Case No. 517 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves



available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Ibrar/Chandran

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