

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22734 of 2019

Arising Out of PS. Case No.-282 Year-2018 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Mahendra Bind Son of Late Ramhari Bind, age about 48 Years Male
2. Pappu Bind, Son of Mahendra Bind, age about 25 Years Male
3. Rangila Bind, Son of Mahendra Bind, age about 22 Years Male
4. Shyam Bihari Bind, son of late Laljee Bind, aged about 65 Years Male
5. Gandhi Bind, son of Munna Bind, age about 60 Years Male
6. Suraj Bind, Son of Laljee Bind, age about 48 Years Male, all residents of Village Sariaon, P.S. Durgawati, District Kaimur at Bhabua.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 10-04-2019 As prayed, learned counsel for the petitioners is permitted to make corrections in the parentage of petitioner no. 3 in the array of parties by substituting “Rangila Bind” with “Mahendra Bind” in course of the day.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners apprehend their arrest for the offences alleged under Sections 420, 467, 468 and 34 of the Indian Penal Code registered in connection with Durgawati P.S. Case No. 282 of 2018.

4. It is submitted that the petitioners have been falsely implicated that the adoption deed by which the complainant had adopted the petitioner no. 1 which she disputes as forged, is genuine and valid. In any event, the dispute with regard to the genuineness or otherwise of the adoption deed is a matter of civil dispute. There is delay in filing the complaint on 09.04.2018 despite the complainant



having knowledge as evident from the order dated 27.02.2018 passed in Land Dispute Resolution Case No. 15 of 2017-18 (Annexure-2). Petitioner nos. 2 and 3 are sons of petitioner no. 1 whereas petitioner nos. 4 to 6 are mere witnesses of the adoption deed and have been roped in merely to put pressure upon the petitioners. The petitioners claim clean antecedents.

5. 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 them be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 282 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

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

(iii) 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.

(iv) 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.

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(Vikash Jain, J)

