

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70274 of 2018

Arising Out of PS. Case No.-826 Year-2016 Thana- COMPLAINT CASE District- Araria

1. Jai Narayan Bishwas, Son of Late Ram Prasad Bishwas,
 2. Chandan Bishwas, Son of Jai Narayan Bishwas,
 3. Lalan Bishwas, Son of Jai Narayan Bishwas,
- All are resident of Village- Khair Khan, P.S.- Forbesganj, District - Araria.

... .. Petitioners

Versus

1. The State Of Bihar
2. Sanjay Mandal, Son of Late Kishun Mandal, Resident of Village - Khair Khan, P.S.- Forbesganj, District- Araria.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Ramesh Kumar Singh, Advocate
For the State	:	APP
For Opposite Party No. 2:	:	Mr. Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 28-02-2019 At the very outset, learned counsel for the petitioners states that petitioner no. 1, Jai Narayan Bishwas, died during the pendency of this application. Hence, he seeks permission to withdraw the application on his behalf.

2. As prayed, the anticipatory bail application is permitted to be withdrawn, as against petitioner no. 1, Jai Narayan Bishwas, and dismissed as such.

3. Heard learned counsel for the petitioner nos. 2 and 3 and learned APP for the State.

4. Petitioner nos. 2 and 3 apprehend their arrest for the offences alleged under Sections 467, 468 and 471/34 of the Indian Penal Code registered in connection with Complaint Case No. 826 C of 2016.

5. It is submitted that the petitioners have been falsely implicated in the backdrop of a dispute which is purely of civil



nature. It is submitted that the petitioner no. 1 had purchased the subject land as far back as in the year 1995 and for which the instant complaint has been filed on 30.04.2016. Significantly, mere 12 days prior to that, a complaint bearing Complaint Case No. 732 of 2016 has already been filed by the complainant himself in which, however, not a whisper was made with regard to any fraudulent action in the matter of transfer of land. As such, the petitioner no. 1 had not been made accused in the earlier complaint case. Petitioner nos. 2 and 3 otherwise claim clean antecedents.

6. Learned counsel for the complainant appears and has been heard.

7. 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VI, Araria in connection with Complaint Case No. 826 C of 2016, 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.

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(Vikash Jain, J)

