

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52897 of 2019

Arising Out of PS. Case No.-342 Year-2019 Thana- BAGHA District- West Champaran

1. AMAR SAH S/o Late Thakur Sah R/o village- Parsa, P.S.- Bagaha, District- West Champaran
2. Kishor Singh S/o Late Jagarnath Singh R/o village- Chhotaki Patti, Bargaon, P.S.- Bagaha, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baxi S.R.P.Sinha, Sr. Adv
Mr.Vijay Kr Singh No. 1
For the Opposite Party/s : Mr.Arun Kumar Pandey,APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 23-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406, 420/34 of the Indian Penal Code registered in connection with Bagaha P.S. Case No. 342/2019.

3. It is submitted that the petitioner no.1 has been falsely implicated and as a matter of fact an amount of Rs. 8,72,000/- had been paid for purchase of the land from the informant's father Nil Mani Kumar Singh, as evident from the stamped certificate written by the said Nil Mani Kumar Singh. Petitioner no. 2 is the witness of such certificate. It is submitted that thereafter the petitioner no.1 has constructed his house on the said land and has been residing in the same, but the informant has been trying to get the land vacated forcibly and for which the petitioner no. 1 has lodged Bagaha P.S. Case No. 333 of 2019 on 14.06.2019 (Annexure-3). It is in retaliation to this FIR that the present FIR has been lodged by the informant. It is submitted that the informant's father who has received the money and sold the land to the petitioner no. 1 has not objected to the petitioner's



occupation of the land. Petitioner no. 1 claims clean antecedents while petitioner no. 2 is accused in one prior case.

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 ACJM Ist, Bagaha, District West Champaran in connection with Bagaha P.S. Case No. 342/2019, 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 co-operate 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. 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)

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