

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70807 of 2019

Arising Out of PS. Case No.-2781 Year-2014 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. AVINASH KUMAR Son of Sri Krishna Kumar Resident of Village - Jhajhwa, P.S.- Sidhwaliya, District - Gopalganj
 2. Sri Krishna Kumar @ Krishna Kumar Son of Late Raghunath Prasad Gupta Resident of Village - Jhajhwa, P.S.- Sidhwaliya, District - Gopalganj

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Kapildeo Thakur Son of Late Ram Sevak Thakur Resident of Village - Jhajhwa, P.S.- Sidhwaliya, District - Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh
For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 16-12-2019 Heard learned Counsel for the petitioners and the learned
APP for the State as also the Counsel for the complainant.

Petitioners apprehend arrest in Complaint Case No.
2781 of 2014, Tr. No,. 1600 of 2019 registered under Section
420 of the IPC.

It is submitted by petitioners' Counsel that the
allegations are civil in nature and that the petitioners had right
and title over the land which they have sold. Title Suit No. 927
of 2014 and Partition Suit are pending between the parties.

Counsel for the informant submits that the petitioners
were conscious that the land belongs to the complainant still



they have sold the same without valid right, title and interest over the same.

From the aforesaid submissions it is apparent that both parties are claiming rights over the lands. This Court is of the opinion that the petitioners are entitled to anticipatory bail.

In the event of arrest or surrender before the court below within four weeks from today, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Uday Pratap, Judicial Magistrate, 1st Class, Gopalganj in Complaint Case No. 2781 of 2014 Tr. No. 1600 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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