

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63669 of 2019**

Arising Out of PS. Case No.-59 Year-2019 Thana- NAUTAN District- Siwan

- =====
1. SAVALIA BIHARI Son of Late Ladlisharan Prasad @ Ladli Sharan Resident of Village- Pachlakhi, P.S.- Nautan, District- Siwan(Bihar).
 2. Bachcha Chaudhari Son of Late Gokhula Chaudhary Resident of Village- Pachlakhi, P.S.- Nautan, District- Siwan(Bihar).
 3. Bikram Kurmi @ Vikrama Kurmi Son of Yamuna Kurmi Resident of Village- Pachlakhi, P.S.- Nautan, District- Siwan(Bihar).
 4. Dhirendra Kumar Son of Late Vindhychal Prasad Resident of Mohalla- Shashtri Nagar, P.S. Siwan Town, District Siwan (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioners : Mr. Prashant Kumar, Advocate.
For the State : Mr. Sunil Kumar Pandey, APP
For the Informant : Mr. Bijay Prakash Singh, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 23-10-2019

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, 120B, 323, 384 and 504 of the Indian Penal Code registered in connection with Nautan P.S. Case No. 59 of 2019.

3. It is submitted that the petitioners have been falsely implicated in a dispute which is purely of civil nature involving title over the subject land. It is submitted that the petitioner no. 1's mother Sushila Devi had purchased the said property in terms of registered sale deed dated 02.02.1946 from Chunni Nonia in whose favour the *khatiyani* had been made (Annexure-2 series). The petitioner no. 1 is the seller of the land while petitioner no. 2 is the purchaser, petitioner no. 3 is the witness and identifier and petitioner no. 4 is the document writer. The petitioners claim clean antecedents.



4. Learned APP assisted by learned counsel for the informant appear and have been heard. Learned counsel for the informant submits that the land was purchased by his father in 1973 and as such the petitioner no. 1 could not have sold the property.

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 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 Chief Judicial Magistrate, Siwan in connection with Nautan P.S. Case No. 59 of 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 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)

lbrar//-

U		T	
---	--	---	--

