

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81591 of 2019

Arising Out of PS. Case No.-926 Year-2016 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Heera Yadav Son of Late Bola Yadav Resident of Village- Banavariya, P.S.- Dhanaha, District- West Champaran.
 2. Gopichand Gaddi Son of Late Chirkut Gaddei Resident of Village- Madhubani Tola Gaddiyani, P.S.- Dhanaha, District- West Champaran.
 3. Shankar Gaddi Son of Late Chokat Gaddi Resident of Village- Madhubani, Tola Gadiyani, P.S.- Dhanaha, District- West Champaran.
 4. Bindheyachal Gadi Son of Late Bhukhal Gadi Resident of Village- Madhubani Tola- Gadiyani, P.S.- Dhanaha, District- West Champaran.
 5. Ali Mohammad Gadi Son of Late Chirkut Gadi Resident of Village- Madhubani, Tola- Gadiyani, P.S.- Dhanaha, District- West Champaran.
 6. Rajdeo Yadav Son of Rupa Yadav Resident of Village- Rahman Nagar, P.S.- Bagaha, P.S.- Dhanaha, District- West Champaran.
 7. Deenanath Yadav Son of Kapildeo Yadav Resident of Village- Narahaya, P.S.- Dhanaha, District- West Champaran

... .. Petitioners

Versus

1. The State Of Bihar
2. Rajendra Yadav Son of Late Ram Bachan Yadav Resident of Village- Parorahi, P.S.- Baravapatti, District- Kushi Nagar (U.P.). At present resident of Village- Madhubani Tola- Gadiyani, P.S.- Dhanaha, District- West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr.Prithvi Nath Mishra, Advocate
For the Opposite Party : Mr.Ajay Kumar Jha, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2019

Heard learned counsel for the parties.

Petitioners apprehend arrest in a case registered for the offence punishable under sections 420/34 of the Indian Penal Code on the allegation that they hatched a conspiracy and committed cheating and dishonestly inducted the delivery of property.

Learned counsel for the petitioners submits that the whole dispute arises for getting title over some land for which



Title Suit No.162 of 2016 is going on between the parties. Further, perusal of case records shows that the petitioners no.1 and 5 received the land in question from the daughter of the complainant by way of registered sale deed, and petitioners no 6 and 7 were merely witnesses to the said deed. Learned counsel submits that in this background, no case under section 420 of the IPC is made out against the petitioners. Petitioners have no criminal antecedent.

In view of the facts and circumstances of the case, in the event of arrest/surrender within six weeks from today, let the petitioners, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st class, Bagaha West Champaran in Trial No.3667/2019, Complaint case no. 926 of 2016, on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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