

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6829 of 2020

Arising Out of PS. Case No.-637 Year-2019 Thana- BAGHA District- West Champaran

1. NILESH SINGH @ NILESH KUMAR SINGH Son of Late Brijkishor Singh Resident of Village - Badgaona, P.S.- Bagaha, Dist.- West Champaran (Bihar).
2. Uday Pratap Singh Son of Kishor Singh Resident of Village - Badgaona, P.S.- Bagaha, Dist.- West Champaran (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sharma, Adv.
For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 12-10-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in a case registered under Section 420, 467, 468, 471, 472, 447, 341, 323, 504 of the Indian Penal Code.

As per allegation in the FIR, petitioners are alleged to have got the sale deed executed of the land of his father by impersonation and when the informant came to know about this fraudulent sale deed executed in favour of the petitioners, he



objected but the accused persons started abusing the informant and threatened him of dire consequences.

It has been submitted on behalf of petitioners that they are innocent and have been falsely implicated in this case due to land dispute and they are gotiyas. It has been further submitted that sale deed was executed on 28.04.2014 but FIR was lodged on 06.12.2019 after delay of five years without any explanation. It has been further submitted that sale deed was executed in favour of petitioners by the father of the informant after taking full consideration amount and after mutation of the land, petitioners are coming in peaceful possession and the informant has filed the present case only because in complaint case filed against the father of informant, accused Kishore Singh is a witness. Petitioners have no criminal antecedents.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, Petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Bagaha, West Champaran, in connection with Bagaha P.S. Case No. 637



of 2019 G.R. No. 1537 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

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

(S. Kumar, J)

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