

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7794 of 2020**

Arising Out of PS. Case No.-1121 Year-2018 Thana- SAHARSA COMPLAINT CASE  
District- Saharsa

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1. KUMARI SHAIL, Wife of Bipin Roy @ Bipin Kumar Roy
  2. Bipin Kumar Roy @ Bipin Roy, Son of Late Ram Dular Roy
  3. Triloki Kumar Roy, Son of Bipin Roy @ Bipin Kumar Roy
- All are resident of Village- Dhanupura, P.S.- Bakhtiyarpur, District- Saharsa.
- ... .. Petitioner/s

Versus

1. The State of Bihar
  2. Srimati Chandra Mala Devi, Daughter of Late Ram Dular Singh, Wife of Sri Bimal Kant Mehta, Resident of Village- Dhanupura, P.S.- Bakhtiyarpur, District- Saharsa.
- ... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.  
For the Opposite Party/s : Mr. Chandra Bhushan Prasad (APP)

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

2      28-02-2020                      Heard learned counsel for the petitioners learned  
counsel for the complainant and learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Section 147, 148, 341, 420, 467, 468, 471, 406, 120(B) of the Indian Penal Code.

As per complaint, the land in dispute had earlier been transferred in favour of the complainant vide registered gift deed. The same piece of land was again transferred by execution of sale deed by the father of the complainant in favour of petitioners.

It has been submitted on behalf of the petitioners that petitioners are quite innocent and they have been falsely



implicated by the complainant due to property dispute. The petitioners got the land in question from the father of the complainant. He further submitted that dispute is purely civil in nature and therefore the complaint itself is not maintainable. Sale deed was executed by father of petitioner in the name of his daughter-in-law in the years 2012 itself. Petitioners have no criminal antecedent.

Learned counsel for the complainant has opposed the prayer of anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Saharsa Complaint Case No. 1121C of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C 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



present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bond.

(3) If the 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)**

Rajiv/-

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