

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63045 of 2019

Arising Out of PS. Case No.-259 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. ABDUL HALIM S/o Late Abdul Gafur Mian R/o village- Bhagwatipur, P.S.- Barauli, District- Gopalganj
 2. Gorakh Mahato S/o Bansi Mahato @ Raj Bansi Mahato R/o village- Bhagwatipur, P.S.- Barauli, District- Gopalganj
 3. Santosh Pandit S/o Chandrama Pandit R/o village- Bhagwatipur, P.S.- Barauli, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Kant
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned Senior counsel for the petitioners and Dr. Indihar Kumari, the learned APP appearing for the State as also the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Gopalganj P.S. Case No. 259 of 2019, for the offence punishable under Sections 420, 406 and 506 of the Indian Penal Code.



The allegation is regarding the petitioners herein having conspired together and having got a sale deed executed with respect to the land of the informant, in the name of providing old age pension to the informant, without paying any sale consideration.

The learned counsel appearing for the petitioners has submitted that the nature of dispute and the allegations levelled is purely civil in nature and the informant is well advised to approach the competent court of civil jurisdiction for the purposes of getting the sale deed in question annulled, if he is so sanguine about his case. It is further submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. It is further submitted that the petitioners are ready to abide by such conditions as may be imposed by this Court for the purposes of grant of anticipatory bail.

The learned counsel for the informant has submitted that the informant is about 98 years of age, hence it is not possible for him at this stage to approach the civil court for annulment of the sale deed in question, hence, the petitioners should not be granted the privilege of anticipatory bail. The learned A.P.P. appearing for the State has also vehemently



opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the allegations levelled against the petitioners are in the nature of civil dispute, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, hence, the order dated 18.10.2019 passed by this Court in the present case granting provisional bail to the petitioners is made absolute.

It is needless to state that the petitioners would mark their presence before the Officer-in-charge of the concerned police station at 10 A.M. on each and every Monday of the month and on account of their failure on two consecutive occasions to mark their attendance, the present privilege of anticipatory bail shall stand revoked automatically.

(Mohit Kumar Shah, J)

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