

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18169 of 2022

Arising Out of PS. Case No.-801 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. LAKHICHANDRA KEWAT Son of Late Narayan Kewat R/O- Rajghat, P.S.- Kadwa, Distt.- Katihar
 2. Shyam Lal Mandal Son of Kusumlal Mandal R/O- Shivganj, P.S.- Kadwa, Distt.- Katihar
 3. Md. Jakir Haque @ Md. Jakiul Haque Son of Md. Majaharul R/O- Kaiyta, P.S.- Kadwa, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-10-2022 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 420, 468/34 of the IPC.

Allegedly, petitioner no.1 with the conspiracy of all the accused persons executed the land of the complainant. When the complainant asked petitioner no.1 regarding the same, then she was abused and kicked out and as such they have cheated with her.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such



occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Petitioner no.1 has executed the land which belongs to the complainant and petitioner no.2 and 3 are the witnesses of the said execution of deed. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regards to the facts and circumstances of the case, since there is specific overt act against the petitioner no.1, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, there is no specific overt act against the petitioner nos.2 and 3, let the petitioner nos.2 and 3 be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Complain Case No.801 of 2017, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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