

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13989 of 2023

Arising Out of PS. Case No.-529 Year-2021 Thana- DAUDNAGAR District- Aurangabad

1. GOPAL KRISHNA TIWARI SON OF LATE SONMAN TIWARI R/O VILL.- BHAKHARUWA TIWARY MOHALLA, P.S.- DAUDNAGAR, DISTT.- AURANGABAD
2. VIJAY SHANKAR TIWARI SON OF GOPAL KRISHNA TIWARI R/O VILL.- BHAKHARUWA TIWARY MOHALLA, P.S.- DAUDNAGAR, DISTT.- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar, APP
For the informant	:	Mr. Rajendra Singh, Advocate
	:	Ms. Malti Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-05-2023 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Daudnagar PS case no. 529 of 2021, registered for the offences punishable under Sections 406, 420 of the Indian Penal Code.

The allegation is regarding the petitioners, who are brother and father of the informant, having sold the land of the informant, fraudulently.

The learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated



in the present case. The learned counsel for the petitioners has further submitted that the land in question falls in the share of the petitioners and the same was given to the petitioner no. 2 by the informant, by way of an agreement. It is also submitted that the investigation officer had found the case to be untrue, *qua* the petitioners herein, hence, had submitted a final form, however, the learned trial court has differed from the same and taken cognizance for the offences alleged. Lastly, it is submitted that the dispute in question is purely in the nature of a civil dispute, hence no criminal offence is made out.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the allegations levelled against the petitioners are purely in the nature of civil dispute, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a



copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M., Daudnagar, Aurangabad in connection with Daudnagar PS case no. 529 of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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