

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28855 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- SHIVSAGAR District- Rohtas

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1. Binod Pandey Son of Ayodhya Pandey Resident of village - Alampur, P.S. - ShivSagar (Baddi O.P.), Distt. - Rohtas
 2. Arvind Kumar Pandey Son of Binod Pandey Resident of village - Alampur, P.S. - ShivSagar (Baddi O.P.), Distt. - Rohtas

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Shivsagar P.S. Case No.- 263 of 2022 (Baddi O.P.) registered for the offences punishable under Sections 420, 467, 468, 120(B) of the Indian Penal Code. They have got no criminal antecedents.

3. Learned counsel for the petitioners submits that the allegation against the petitioners is that petitioner no. 1, Binod Pandey sold the land which was in the share of the informant to the co-accused Sharavan Kumar and petitioner no. 2 was the witness of the said sale deed.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that the informant and the petitioners are gotiyas. It is submitted that the said property was allotted to the petitioners by Lok Adalat, Sasaram vide Case No. 158 of 2015.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein the informant is the nephew of the petitioner no. 1, the petitioners are claiming that they got the property in question in their share by virtue of the allotments made to them by Lok Adalat, Sasaram vide Case No. 158 of 2015 and they have sold the land of their share, the allegations being that the properties were in the share of the informant, in the dispute of this nature, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Shivsagar P.S. Case No. 263 of 2022 (Baddi O.P.) 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 learned A.C.J.M., Rohtas at Sasaram, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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