

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30053 of 2023**

Arising Out of PS. Case No.-143 Year-2020 Thana- KHAGARIA COMPALINT CASE  
District- Khagaria

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1. SAMRAT KUMAR @ SAURABH KUMAR Son of Uday Kumar @ Uday Mahto Resident of Village - Bachhauta, P.S.- Morkahi, District - Khagaria.
  2. Syed Ausaf Ali @ Saiyad Aasif Ali @ Saiyad Ausaf Ali Son of Late Syed Manawwer Ali Resident of Village - Lakhminia, P.S.- Balia, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Son of Late Devnarayan Poddar Resident of Village - Kalibari, P.S.- Khagaria, District - Khagaria.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate  
For the Opposite Party/s : Ms. Meena Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      14-07-2023                      1.    Heard learned counsel for the petitioners and the learned APP for the State.

2.    The petitioners are apprehending their arrest in connection with Complaint Case No. 143C/2020 registered for the offence punishable under Sections 120B, 420, 467, 468, 469, 471 of the Indian Penal Code.

3.    The petitioner no. 2, as per allegation in the complaint, has sold some lands to petitioner no. 1. The lands in respect to which the transaction has taken place between petitioner nos. 2 and 1 actually belonged to the informant which



he has acquired over the years.

4. The learned counsel for the petitioners submits that the complainant has claimed title to the land in question based on an oral gift, in title suit No. 15 of 2019 filed with respect to the land in question. In fact, he has a greedy eye on the property and wants to grab the same and the instant complaint is in furtherance of such intention.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, the clean antecedent of the petitioners as also the nature of allegations which appear predominantly to be civil in nature, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. The observations in this order shall be for the limited purposes of grant of the anticipatory bail.

8. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Khagaria in connection



with Complaint Case No. 143C/2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

SUMIT/-

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