

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55927 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. NAWIN KUMAR, S/O - JAGADEV YADAV @ JAGDEV PRASAD YADAV, R/O VILLAGE - RAMPUR LAHI, P.S. - SHANKARPUR
 2. JAGADEV YADAV @ JAGDEV PRASAD YADAV, S/O - LATE LAKSHMAN YADAV, R/O VILLAGE - RAMPUR LAHI, P.S. - SHANKARPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. DEEPNARAYAN YADAV, S/O - LATE LAXMAN YADAV, R/O VILLAGE - RAMPUR LAHI, P.S. - SHANKARPUR

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr.Amarnath Jha, Advocate
For the State : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-08-2023 1. Heard learned counsel for the petitioners and
learned APP for the State of Bihar.

2. The petitioners are apprehending their arrest in
connection with Complaint Case No. 104 of 2023 registered for
offence under Sections 120B, 420, 467, 468, 471 and 34 of
Indian Penal Code.

3. As per complaint petition, the complainant has
alleged that the petitioners have got some lands registered by the
complainant under influence of intoxicant and are trying to
disposes the complainant.



4. It is submitted by learned counsel for the petitioners that the learned trial court has taken cognizance of offences under Sections 323, 419 and 420 of IPC only. It is apparent from the complaint that the registry of lands in question was done in favour of the petitioners on 28.12.2022 whereas the complaint has been lodged on 25.02.2022 out of greed. The submission is that the petitioners having no antecedents, have been implicated on extraneous considerations. The assertion of claims with respect to the lands in question, if at all, is required to be done by the complainant in appropriate civil proceedings in accordance with law.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of allegations and the sections for which the learned trial court has taken cognizance, as also clean antecedents of the petitioners, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Petitioners' prayer for anticipatory bail is allowed.

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 JM 1st Class, Madhepura, in connection with Complaint Case No. 104 of 2023, 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 petitioners 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 fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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