

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12731 of 2024

Arising Out of PS. Case No.-66 Year-2022 Thana- BANIAPUR District- Saran

1. Tarkeshwar Kumar Singh SON OF Surendra Kumar Singh RESIDENT OF VILLAGE- BHUMIHARA, PO- HARPUR, PS- BANIAPUR, DIST- SARAN
2. BHIKHARI PANDEY SON OF LATE BINAYAK PANDEY RESIDENT OF VILLAGE- REPURA PIRAUTA, PS- BANIAPUR, DISTT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Harsh Anuj, learned counsel for the petitioners and Mr. Amitesh Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Baniapur P.S. Case No. 66 of 2022, F.I.R. dated 10.02.2022 registered for the offences punishable under Section 420/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the brother of the informant namely Upendra Singh who is blind and mentally disabled from whom one Nageshwar Pandey with collusion of Pramod Singh and Pappu Pandey got executed the sale deed in his favour fraudulently regarding his ancestral land. Accused Tarkeshwar Singh is identifier and Bhikhari Pandey is the



witness.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. the petitioner no. 1 is the identifier and the petitioner no. 2 is the witness of the alleged sale deed. Learned counsel for the petitioners submits that the petitioners are not the beneficiaries of the present transaction and after payment of the concerned amount, the co-accused person namely Nageshwar Pandey has got executed the sale deed from the brother of the informant and the petitioners have no role at all in the present occurrence and co-accused persons namely Nageshwar Pandey, Rakesh Kumar Pandey @ Pappu Pandey and Pramod Kumar Singh have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 11.05.2023 passed in Cr. Misc. No. 7043 of 2023 and the said Nageshwar Pandey has got executed sale deed in his favour by the brother of the informant.

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

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest



or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Baniyapur P.S. Case No. 66 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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