

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28743 of 2024

Arising Out of PS. Case No.-1842 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Jitendra Prasad SON OF Late Baidyanath Prasad RESIDENT OF VILLAGE- LAUKAHA, PS- PAHARPUR, DIST- EAST CHAMPARAN
 2. NANDA DEVI WIFE OF JITENDRA PRASAD RESIDENT OF VILLAGE- LAUKAHA, PS- PAHARPUR, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. VIKRAM PRASAD @ VIKARMA PATEL SON OF LATE RAGHUNATH PRASAD @ RAGHUNATH PATEL RESIDENT OF VILLAGE- LAUKAHA, PS- PAHARPUR, DIST- EAST CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2024 Heard Mr. Krishna Kant Singh, learned Counsel for the petitioners and Mr. Ram Priya Sharan Singh, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Cr. Complaint Case No. 1842 of 2023 for the offence registered under sections 467, 471, 379 and 34 of the Indian Penal Code lodged on 11.07.2023 by the informant, Vikarma Patel.

3. As per the prosecution story, the complainant alleged that he and the petitioner no. 1 are cousin brother,



partition had taken place, still his share of land sold by him. Though, *panchayati* took place but as the accused did not relent, the complaint.

4. Learned Counsel for the petitioners submit that admittedly they are agnates/cousin, some confusion took place and that can be settled in the family, the lady/wife has also been implicated, it is a civil dispute, complaint made, they will have to face the music. The last submission is that they do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the petitioner no. 1 has sold the land which belongs to the complainant.

6. Though the allegation is there, it is after the family partition, the matter is of civil dispute, the petitioner no. 2 is lady, none of them have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.-1st



Class, East Champaran, Motihari in connection with Cr. Complaint Case No. 1842 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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