

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45938 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- ALOULI District- Khagaria

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1. Raj Kumar Yadav S/O Ram Prakash Yadav R/O Village-Bhakharighat, P.S.-Alauli, Distt-Khagaria
 2. Hitesh Kumar S/O Chamaru Yadav R/O Village-Bhakharighat, P.S.-Alauli, Distt-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard Mr. Ramesh Kumar Singh, learned counsel
for the petitioners and the State.

2. The petitioners are apprehending arrest in connection with Alauli P.S. Case No. 35 of 2024 instituted under Sections 420, 406, 467, 468, 471/34 of the Indian Penal Code lodged on 28.1.2024 by the informant, Raj Kumar.

3. As per the prosecution story, the allegation is that with regard to the land bearing Khata No. 208, Khesra No. 423, 280, 425, 428, 430 and Jamabandi No. 26 in the name of Geeta Devi, Sulena Devi, Hira Devi, Rinku Devi in which Sankat (identifier) was Raj Kumar (the petitioner herein), the accused executed deed in favour of son/daughter-in-law which actually



belonged to him. Accordingly, the FIR.

4. It is the case of the petitioners that both belong to the same family and execution of deed by the lady, Devrani, under no stretch of imagination will come under the criminal purview rather it is a civil dispute. He submits that in any case, these two petitioners are witnessed to the said execution of deed and are not actually the beneficiaries.

5. Learned APP opposes the prayer submitting that the allegation is that the land belongs to the petitioners, the lady has executed it and these two petitioners incorporated their respective signatures as the witnesses.

6. Taking into account submissions put forward by the parties as also the kind of allegation that has come in the FIR, these two petitioners being not the beneficiaries and do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Alauli P.S. Case No. 35 of 2024 to the satisfaction of learned Chief Judicial



Magistrate, Khagaria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her 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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) 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 the bail bonds;

(Rajiv Roy, J)

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