

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66019 of 2023

Arising Out of PS. Case No.-1 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. KAILASH BAITHA son of Late Suryabali Baitha Village- Bhatauda Ps- Bagaha Dist- West Champaran
 2. Binod Baitha son of Kaulesar Baitha Village- Bhatauda Ps- Bagaha Dist- West Champaran
 3. Pramod Baitha son of Kaulesar Baitha Village- Bhatauda Ps- Bagaha Dist- West Champaran
 4. Jawahar lal Baitha @ Jawahar Baitha son of Late Bandhu Baitha Village- Bhatauda Ps- Bagaha Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kripa Niwas Pal son of Late Mahendra pal Village- Nawkatola Badganw Ps- Bagaha Dist- West Champaran At Present at Khorbuha Civil Line Po- Gandhinagar U.P

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
For the Opposite Party/s	:	Dr. Indihar Kumari, APP
For the complaint	:	Mr. Anand Kishore Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 18-10-2024 Heard Mr. Ansul, learned counsel for the petitioners and Mr. Anand Kishore Choudhary, learned counsel for the complainant.

2. The petitioners are apprehending arrest in connection with Complaint Case No. 01 of 2022, Tr. No. 4830 of 2022 instituted under Sections 120-B, 419, 420 of the Indian Penal Code filed by the complainant, Kripa Niwas Pal.

3. As per the complainant, the land belongs to him but



the accused persons in connivance, presented one Krishna Yadav to be the land owner and got the land executed in their favour. Accordingly, the complaint.

4. It is the case of the petitioners that they themselves are the sufferers, the petitioners no. 1 to 3 being the purchasers while the petitioner no.4 is the witness to the said deed. They had no realization that Krishna Yadav is not Kripa Niwas Pal. The transfer of land took place in the year 2010 and now Title Suit No. 93 of 2021 is also pending before the learned Sub-Judge-I, Bagaha, West Champaran. Only as an afterthought, a year later, the present complaint.

5. Learned counsel for the complainant on the other hand submits that they being the beneficiaries cannot exonerate themselves from the allegation that has been made in the complaint.

6. The allegations are there, the transfer took place in the year 2010, the petitioner nos. 1 to 3 are the purchasers and not Krishna Yadav, a Title Suit is already pending before the competent Civil Court, as stated above, in that background, 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 Complaint Case No. 01 of 2022, Tr. No. 4830 of 2022 to the satisfaction of learned Judicial Magistrate 1st Class, Bagaha, West Champaran 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 appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) 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;

(vi) 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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