

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86576 of 2023

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

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1. Nilesh Kumar Singh @ Nilesh Kumar son of Late Brij Kishor Singh Village- Bargaon Tola Chhotaki Patti Ps- Bagaha Dist- West Champaran Bettiah
 2. Nand Kishor Singh @ Kishor Singh @ Nand Kishor Singh @ Kishore Singh son of Late Jagranath Singh @ Late Jagarnath Singh Village- Bargaon Tola Chhotaki Patti Ps- Bagaha Dist- West Champaran Bettiah

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kripa Niwas Pal son of Late Mahindra Pal Village- Bargaon Tola Chhotaki Patti Ps- Bagaha Dist- West Champaran Bettiah

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Singh
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 20-09-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 01 of 2022 (Tr. No. 4830/2022) registered for the offence under sections 120(B), 419, 420 IPC lodged by the Complainant, Kripa Niwash Pal.

3. As per complainant (OP No.2) under a conspiracy one Shiv Kumari Devi executed the land in favour of the petitioner no.1 while the petitioner no.2 is a witness to it. This happened in the year 2010. Subsequently, upon knowledge by the real owner (OP No. 2), the complaint has been filed.

4. Learned counsel for the petitioners submits that the



complainant as also late Shiv Kumari Devi are agnates. It is the case of the petitioners that admittedly, late Shiv Kumari Devi and his family were in possession of the land in question and after having gone through the valid documents, purchase took place and pursuant thereto, they are in possession of the land. The Opposite Party No.2 has falsely made a complaint.

5. Learned counsel appearing on behalf of the complainant, on the other hand, submits that they are in no way related to the said Krishna Yadav who has possibly taken over the land and for which Title Suit No. 93/2021 has already been preferred with regard to the properties.

6. After having heard the parties as also perusing the records, the fact remains that it is a land dispute and a Title Suit is also pending and the result of it will actually decide as to who is correct/incorrect, this Court is presently dealing with the anticipatory bail application put forward by the two petitioners. Taking into account the aforesaid facts, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners, above named, be released on bail in the event of arrest or surrender 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 like



amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bagaha, West Champaran (Bettiah) in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors 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 appear before the concerned police station every fortnight for next six months to mark thier attendance;

(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;

(v) 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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