

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44478 of 2016

Arising Out of PS.Case No. -74 Year- 2016 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

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Pramod Kumar Gupta @ Pramod Kr. Gupta, Son of Late Baijnath Prasad Gupta, Resident of Flat No. 2C, Suryoday Apartment, West Park Hehal, P.S.- Sukhdeo Nagar, District- Ranchi (Jharkhand).
At present Hotel Maunt View Resort, Near Tarachandi, P.S. Sasaram (M), District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 27-10-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sasaram (M) P.S. Case No.74 of 2016 registered under Sections 379, 323, 504, 120-B, 364 and 511/34 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that on 07.06.2015, when the complainant/informant Vijay Kumar Singh was coming from Sasaram to his house, in the way, he saw one Gupteshwar Singh and the petitioner alongwith some unknown engaged in collecting the stones, red soils and Morang in the share of his filed by



Dumper and Tractor, constructing the road and surrounding the filed of his share with iron rod, channel etc. When the complainant/informant asked the co-accused Gupteshwar Singh and the petitioner as to why they are doing such illegal work on his land as he has neither made an agreement in respect of the said land in their favour nor he has sold the same to them. Thereafter, the co-accused Gupteshwar Singh and this petitioner started to cause assault him through fists and slaps and snatched Rs.23000/- from him and also his bag in which he had kept the Advocates' band and I-card. When the complainant/informant had withdrawn money from the A.T.M., for domestic purpose and was standing in the queue for withdrawing the money, at that time, the co-accused Gupteshwar Singh had seen him. In the meantime, co-accused Saraswati Devi, the wife of the co-accused Gupteshwar Singh also came with meal and she also caused assault to the complainant/informant through brick-batting and torn Kurta and Gamchha of the complainant/informant.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the complainant/informant Vijay Kumar Singh, who is an Advocate, is cousin of the co-accused Gupteshwar Singh, who has sold the disputed land to this petitioner on 25.02.2014 and, accordingly, the petitioner came in

possession over the same but with an ulterior motive, the present complaint case, which is the basis of the F.I.R., has been lodged by the complainant/informant. Furthermore, the complainant/informant has also filed Title Suit No.1001 of 2004 against the petitioner, which is pending in the court of Sub Judge-I, Sasaram.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Sasaram (M) P.S. Case No.74 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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