

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48585 of 2017

Arising Out of PS.Case No. -1983 Year- 2016 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Narayan Thakur, Son of Late Bindeshwari Thakur,
 2. Jai Narayan Thakur Son of Late Bindeshwari Thakur,
 3. Shankar Thakur Son of Sri Narayan Thakur,
 4. Santosh Thakur @ Santosh Kumar Thakur S/o Sri Narayan Thakur,
 5. Janardan Thakur Son of Sri Narayan Thakur,
 6. Smt. Pushpa Devi W/o Sri Jai Narayan Thakur,
- All R/o Village- Birpur, P.S.- Sadar (Muffasil), District- Purnea.
7. Awdhesh Kumar Gupta S/o Late Bhuvneshwar Gupta, R/o Village-
Harinkol, P.S.- Dhamdaha, District- Purnea.

.... Petitioners

Versus

1. The State of Bihar.
2. Md. Usman Nadaf Son of Md. Sabul Nadaf, R/o Village- Birpur, P.S.-
Sadar (Mufassil), District- Purnea.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the complainant.

The petitioners seek pre-arrest bail in connection
with Complaint Case No. 1983 of 2016 registered under



Sections 147, 148, 149, 323, 379, 384, 447, 166, 167, 307, 420, 465, 467, 468, 469, 471 and 120B of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that a purely civil dispute has been given colour of a criminal case in order to coerce the petitioners. He submitted that Title Suit No.8 of 2016 is already pending before the court of Sub-Judge-I, Purnea in respect of the land in question.

On the other hand, learned counsel for the complainant submitted that the allegations made in the complaint clearly attract ingredients of the offences alleged and merely because a title suit is pending between the parties, there would be no fetter on a criminal court to proceed into the matter.

I have heard learned counsel for the parties and perused the record.

Considering the nature of dispute, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Purnea in connection with Complaint Case No. 1983 of 2016 subject to the conditions as laid down under Section 438(2) Cr. P.C. in the event of arrest



or surrender in the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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