

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55646 of 2016

Arising Out of PS.Case No. -111 Year- 2016 Thana -GOPALPUR District- PATNA

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Ajeet Kumar Singh aged about 44 years, son of Sri Ramanand Singh, resident of Mohalla- Rajiv Nagar, Tenant in the house of Vikash Singh, near Baba Chauk P.S. Rajiv Nagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey, Adv.
For the Informant : Mr. Onkar Nath, Adv.
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 23-03-2017 Heard both sides.

The petitioner apprehends his arrest in Gopalpur P.S. Case No. 111/2016, registered for the offences punishable under Sections 379, 384 and other sections of the Indian Penal Code.

The informant alleged that his father-in-law Achutanand Prasad was constructing house over a land bearing Khata No. 304, Plot no. 1563 and Area 2145 sq. ft. in Mauza Illahibagh (Pahari). Only son of the father-in-law is Judge in Delhi and therefore, he was looking after the construction of the house. It is further alleged that earlier the dispute arose between both sides and a proceeding under Section 144 of the Cr.P.C. was initiated. The Sub-Divisional Judicial Magistrate, Patna Sadar



made absolute against the party on 23.06.2016 vide order passed in Case No. 551(M)/2016. It is alleged that thereafter, the informant came in possession of the land, but the accused persons, came and assaulted the informant and demanded extortion of Rs. 25,00,000/-.

Learned counsel for the petitioner submits that there is a bona fide land dispute between the parties and on account of which there are several cases lodged in which the entire allegation made against the petitioner is false and the case is lodged only to grab the land.

On the other hand, learned counsel for the informant submits that from perusal of the order passed by the Sub-Divisional Judicial Magistrate, Patna Sadar in Case No. 551(M)/2016, it would appear that he perused the entire records and only thereafter, the rule was made absolute against the first party Ajeet Kumar Singh, but from perusal of the record and the order passed under Section 144 Cr.P.C., it appears that the order passed under Section 144 Cr. P.C. expired after lapse of sixty days and the order does not entitle the informant to take possession. On the face of it, it appears that there is genuine land dispute between the parties.

Considering the facts aforesaid and the fact that there



is bona fide land dispute between the parties, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate Ist Class, Patna in connection with Gopalpur P.S. Case No. 111/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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