

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5340 of 2018

Arising Out of PS.Case No. -554 Year- 2017 Thana -MANER District- PATNA

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1. Agin Rai S/o Late Sheo Pujan Rai, R/o Village- Khaspur Chakiya Tola,
P.S.- Maner, Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bibhuti Narayan

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 16-02-2018 Heard both sides.

The petitioner apprehends his arrest in Maner P.S.
Case No.554 of 2017 registered under Sections 147, 148, 149,
341, 323, 319, 385, 504 and 427 of the Indian Penal Code and
Section 27 of the Arms Act.

The informant named the petitioner along with other
accused persons and alleged that while he was watering the
boundary wall on his purchased land, all the accused persons
having armed with different weapons came and assaulted the
informant and others. Agin Rai, the petitioner is said to have tied
towel around the neck of the informant and Ashok Rai also fired
from his rifle but the same did not hit the informant.

The learned counsel for the petitioner submits that the



vendor of the informant is Ram Babu Prasad. Ram Babu Prasad purchased the land on 22.12.2014 from Sangram Singh and Ramjit Singh. Sangram Singh and Ramjit Singh before selling the land to Ram Babu Prasad, the vendor of the informant, entered into an agreement of sale with Ravindra Rai, the maternal uncle of the petitioner on 29.08.2014. Ram Babu never came in possession of the land. There is a counter version being Maner P.S. Case No.557 of 2017.

On the other hand, the learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail and submitted that informant has come in possession over the land and constructed the boundary but the petitioner and others demanded extortion and also assaulted the informant.

It appears that there is bonafide land dispute between two sides. The informant purchased the land on 21.04.2016 from Ram Babu Prasad. Ram Babu Prasad has purchased the land on 22.12.2014 from Sangram Singh and Ramjit Singh but Sangram Singh and Ramjit Singh before executed the sale deed in favour of Ram Babu Prasad had entered into an agreement of sale with Ravindra Rai. The learned counsel for the informant also submits that the agreement of sale in favour of Ravindra Rai is forged.



Considering the facts aforesaid, the petitioner, above named, in the event of his arrest or surrender before the learned 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 Sri Sandeep Kumar, learned J.M. 1st Class, Danapur(Patna) in connection with Maner P.S. Case No.554 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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