

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15993 of 2019**

Arising Out of PS. Case No.-609 Year-2018 Thana- KOTWALI District- Patna

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1. Niraj Kumar son of late Jagdish Sao, Resident of Mohalla- Ranipur Near Sangat Patna City, P.S.- Mehdiganj, District- Patna.
  2. Sunil Kumar Gupta @ Sunil Kumar, son of Late Jagdish Sao, Resident of Mohalla- Ranipur Near Sangat Patna City, P.S.- Mehdiganj, District- Patna.
  3. Anil Kumar, Son of Late Jagdish Sao, Resident of Mohalla- Ranipur Near Sangat Patna City, P.S.- Mehdiganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      15-03-2019                      Heard the learned counsel for the petitioners,  
the informant and the State.

The petitioners, who are brothers amongst themselves and are fighting civil litigation with the informant, seek bail in anticipation of their arrest in connection with Kotwali P.S. Case No. 609 of 2018 dated 11.09.2018 instituted for the offences under Sections 457, 380, 427 and 34 of the Indian Penal Code.

It has been alleged in the FIR that in the night preceding the lodging of the FIR, the shop in which the informant had been selling seeds for a long time was demolished. The informant suspects the hands of the



petitioners and others in the aforesaid destruction of the property about which no final verdict has been given in the Title Suit.

Learned counsel for the petitioners has submitted that earlier also the informant had filed a case against the petitioners no. 1 and 2, about which reference has been given in paragraph 3 of the petition and in that case, the aforesaid petitioners have been granted bail. It has also been submitted that a Title Suit is pending between the parties.

Learned counsel for the informant on the other hand has submitted that in some civil proceeding before this Court, an undertaking was given by the accused persons that they shall not demolish the property till the disposal of the suit; which undertaking has been flagrantly and with impunity violated.

If at all any undertaking has been disrespected or violated, it would be open for the informant to proceed against the petitioners in an appropriate proceeding before that court where the undertaking has been given.

However considering the allegation in the present case and the background of civil dispute between the parties, the petitioners are directed to be released on bail, in the event of their 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, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No. 609 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Ashutosh Kumar, J)**

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