

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33755 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- NAUGACHIA District- Bhagalpur

1. ANUP LAL PRASAD SINGH @ ANUP LAL SINGH Son of Late Baban Singh Resident of Village - Pakra Dauniya Tola, P.S.- Naugachhia, District - Bhagalpur.
2. Chandan Kumar @ Chandan Kr. Singh Son of Anup Lal Prasad Singh @ Anup Lal Singh Resident of Village - Pakra Dauniya Tola, P.S.- Naugachhia, District - Bhagalpur.
3. Kundan Kumar Son of Anup Lal Prasad Singh @ Anup Lal Singh Resident of Village - Pakra Dauniya Tola, P.S.- Naugachhia, District - Bhagalpur.
4. Rajiv Ranjan @ Bablu Singh Son of Late Janardan Prasad Singh Resident of Village - Pakra Dauniya Tola, P.S.- Naugachhia, District - Bhagalpur.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra
For the Opposite Party/s : Mrs. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 08-08-2019 Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Naugachia P.S. Case no. 34 of 2019 registered under Section 147, 148, 149, 341, 323, 380, 385 and 504 of the Indian Penal Code.

Petitioners along with four other named accused persons armed with weapon descended at the door of the informant and petitioner nos.2 & 3 Chandan Kumar and



Kundan Kumar pointed gun on the chest of the informant and his brother and looted his house hold articles worth Rs.50,000/-. The accused persons also damaged the boundary wall of the informant and thereafter they resorted firing during the course of retreat to create reign of terror.

Learned counsel for the petitioners submitted that no such occurrence as alleged ever took place. The petitioners are quite innocent and have been falsely implicated in this case. The allegation levelled against the petitioners are not specific rather general and omnibus in nature. As a matter of fact, the wife of petitioner no.1 has lodged Complaint Case No.59 of 2019 against the informant and others on 31.01.2019 and on getting knowledge of the same, the informant has lodged this false and frivolous case against the petitioners and others on the following day. Moreover, a title appeal is pending between the appellant no.1 and informant and others. Barring the two criminal cases lodged by the informant against the petitioners they have no criminal antecedent and they are on bail in the aforesaid cases.

Per contra, learned counsel for the informant and learned APP for the State opposing the prayer for bail submitted that the petitioners are always creating nuisance and



assaulting the informant and his family members regarding the land dispute. Hence, they do not deserve bail.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Naugachia, Bhagalpur in connection with Naugachia P.S. Case No. 34 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with a further condition that the petitioners will not be indulged in such type of occurrence in future else their bail bond shall be cancelled after verifying and finding the same to be true by the learned lower Court.

(Prakash Chandra Jaiswal, J)

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