

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62551 of 2019

Arising Out of PS. Case No.-144 Year-2019 Thana- PARBATTa District- Khagaria

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1. SHAMBU BHUSAN SINGH S/o Late Chakrapani Singh Resident of Agmanipuari Tola, P.S.- Parbatta, District- Khagaria
 2. Om Prakash Singh @ Gore Singh S/o Late Ram Naresh Singh Resident of Agmanipuari Tola, P.S.- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No2
For the State	:	Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-10-2019 Learned counsel for the petitioners Mr. Manish Kumar No.2 states that the petitioner no.2 has already been arrested and seeks permission to withdraw the anticipatory bail petition as against him, as the same has become infructuous.

2. Permission is accorded. Anticipatory bail petition as against petitioner no.2 is permitted to be withdrawn and is dismissed as such.

3. Heard learned counsel for the petitioner no.1 and learned APP for the State.

4. The petitioner no.1 apprehends his arrest for the offences alleged under Sections 341, 323, 384, 386, 435, 427, 504 and 506/34 of the Indian Penal Code, registered in



connection with Parbatta P.S.Case No. 144 of 2019.

5. It is submitted that petitioner no.1 has been falsely implicated in the backdrop of admitted land dispute, in respect of which petitioner no.1 had filed a complaint petition before the Officer-in-charge of Parbatta Police Station. A complaint petition was also filed on 13.03.2018 before the S.D.M., stating that the informant and his family members were threatening to capture the property. The property in question comprising 26 bigha of land was the subject matter of a proceeding under Section 144 Cr. P.C. in Case No.627(M) of 2019, which was heard and concluded by the S.D.O., vide order dated 22.07.2019, observing that there is title dispute between the parties. It is, therefore, submitted that the present FIR has been lodged merely to put pressure upon petitioner no.1, who claims clean antecedents.

6. Be that as it may, in the event of arrest of petitioner no.1 or surrender before court below within six weeks from the date of communication of this order, let petitioner no.1 be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Khagaria in connection with Parbatta P.S.Case No. 144 of 2019,



subject to the conditions as laid down under Section 438(2) Cr.
P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of
the petitioner no.1.

(ii) That the petitioner no.1 shall not indulge in any
similar offence till conclusion of the trial.

(iii) That the petitioner no.1 shall co-operate with the
investigation, if not already concluded, and make himself
available as and when so required and in case of failure, the
State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner no.1 shall remain physically
present in Court on each and every date during trial and in the
event of failure on two consecutive dates without sufficient
reason, his bail bond shall be liable to be cancelled by the
learned Court concerned.

(Vikash Jain, J)

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