

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70111 of 2018

Arising Out of PS. Case No.-2061 Year-2014 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Vijay Prasad, Son of Late Ramjee Prasad, Resident of Mohalla- Murli Hill, Bairagi P.S.- Delha, District- Gaya.
 2. Md. Meraj, Son of Late Abdul Rauf, Resident of Mohalla- Nadriganj, Near Slaughter House, P.S. Civil Line, District- Gaya.
 3. Prashant Goyal, Son of Late Suresh Prasad Goyal, resident of Mohalla- Tekari Road, Gosai Bag, P.S.- Kotwali, District- Gaya.
 4. Babul Dey, Son of Late Jamuni Mohan Dey, Resident of Mohalla- Nutan Nagar, New Area, P.S.- Civil Line, District- Gaya.
 5. Shatrudhan Prasad, Son of Late Ganga Prasad, resident of Mohalla-New Godown, Tutwari, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Mr.Panchanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

11 10-07-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 147, 148, 149, 323, 324, 379, 384, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act

The prosecution case as per the complaint filed by the



complainant Vijay Prasad Gupta alleging therein that the complainant has market complex in the name M/s Lakshmi market situated at station road Gaya, wherein the petitioners are tenant and they run commercial shop in the said premises. It is alleged that on 22.11.2014 at 8.00 P.M., the complainant along with grand-son (nati) went to the accused persons and demanded due rent amount for the last four months, but all the accused persons assured them that they will make payment of rent by 24.11.2014. On 24.11.2014 when the complainant went to collect due rent amount from them, then all the accused persons abused and assaulted the complainant and others. It is specifically alleged that petitioner no.1, Vijay Prasad took out pistol from his waist and threatened the complainant to kill if he comes again to realize the due rent amount. Similarly petitioner no.4, Babul Dey also threatened the grand-son of the complainant with his pistol and took out Rs.20,000/- from his pocket and a gold ring and a gold chain worth Rs.60,000/.

It is submitted by learned counsel for the petitioners that in the background of tenancy dispute, the accusation has been levelled. In fact, the grand-son of the complainant assaulted and committed theft in the shop of the tenants, including the petitioners leading to registration of Kotwali P.S. Case No. 457



of 2013 levelling accusation under Sections 147, 148, 149, 323, 452, 380, 427 of the I.P.C. It is further submitted that petitioners have also filed a Title Suit being Title Suit No.158 of 2014 which is pending in the Court of the Civil Judge, Senior Division No.1, Gaya and during pendency of the aforementioned title suit, the complainant and his grand-son attempted to evict the shop of one of the tenant namely Santosh Kumar Gupta forcibly for which Kotwali P.S. Case No. 629 of 2014 has also been lodged against him levelling accusation under Sections 461 and 379 of the I.P.C.

It appears that this Court vide order dated 06.12.2018, on joint prayer of the parties, referred the matter to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority, but the report of the Mediator dated 15.01.2019, kept at 'Flag-A' reflects that the issue could not be resolved. Thereafter, the matter was adjourned thrice to enable the counsels for the petitioner and the informant to make an effort to resolve the issue but it is submitted by learned counsel for the petitioner that issue could not be mediated since none from the informant's side came to attend the mediation.

It is submitted by learned counsel for the complainant that at present he is not having any instruction.



Considering the nature of accusation in the background of tenancy dispute coupled with the fact that a title suit is pending between the parties and statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 Judicial Magistrate 1st Class, Gaya, in connection with Complaint Case No.2061 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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