

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5966 of 2020**

Arising Out of PS. Case No.-84 Year-2018 Thana- MORKAHI District- Khagaria

1. ANIL SINGH @ ANIL KUMAR SINGH Son of Late Munilal Singh @ Munnila Singh Resident of Village- Mathurapur, Sonvarsha, P.S.- Khagaria, District- Khagaria.
2. Amit Kumar @ Amit Singh Son of Anil Kumar Singh @ Anil Singh Resident of Village- Mathurapur, Sonvarsha, P.S.- Khagaria, District- Khagaria.
3. Kalu Singh @ Ajeet Kumar Son of Anil Kumar Singh @ Anil Singh Resident of Village- Mathurapur, Sonvarsha, P.S.- Khagaria, District- Khagaria.
4. Md. Akbal @ Md. Akwal @ Aklu Miyan Son of Md. Rakeem Uddin Resident of Village- Bachhauta, P.S.- Morkahi, District- Khagaria.
5. Md. Subel @ Md. Soheli Son of Md. Akbal @ Md. Akwal @ Aklu Miyan Resident of Village- Bachhauta, P.S.- Morkahi, District- Khagaria.
6. Md. Saddam Son of Md. Akbal @ Md. Akwal @ Aklu Miyan Resident of Village- Bachhauta, P.S.- Morkahi, District- Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Sanjana, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 01-09-2020 Heard learned counsel for the petitioners and Dr. Mrityunjaya Kr. Gautam, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Morkahi P.S. Case No. 84 of 2018 registered for the offences punishable under Sections 384, 504, 506, 427, 406/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that on a bare perusal of the First Information Report it would appear that



the genesis of the case is a land dispute between the informant and co-accused Dayaram Thakur. Learned counsel for the petitioners submits that the petitioners have no concern with the land. They had participated in the Panchayat. It is their case that the land in question is in the name of the father of the co-accused Dayaram Thakur and the informant had purchased the said land from Ranjan Thakur who is cousin brother of Dayaram Thakur and he had sold the land of Dayaram Thakur including his own share, it is in these circumstances that they are on dispute.

Learned counsel further submits that it would appear from the case diary that earlier these petitioners had appeared in course of investigation before the Investigating Officer and they had been granted benefit of Section 41A of Cr.P.C.

Learned A.P.P. for the State has though opposed the prayer for pre-arrest bail of the petitioners, but considering the nature of disputes in the present case and the relationship between the parties who are co-villagers and further that in the cases stated in paragraph '3' with regard to the petitioners they have either been acquitted or are on bail, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Morkahi P.S. Case No. 84 of 2018 be released on bail on furnishing of



bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

