

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10750 of 2020

Arising Out of PS. Case No.-726 Year-2019 Thana- SHASTRINAGAR District- Patna

Punit Rai @ Punit Prasad (male), aged about - 70 years, son of Late Harihar Gope, resident of Mohalla- Sherullahpur (Nand Gaon), P.S. Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 15-12-2020 Heard Mr. Pushpendra Kumar Singh , learned counsel
for the petitioner and Mr. Akshay Lal Pandit, learned Additional
Public Prosecutor appearing for the State through video
conferencing.

Petitioner apprehends his arrest in connection with
Shastri Nagar P.S. Case No. 726 of 2019 registered for the
offence punishable under Section 341, 323 , 384 , 307 , 427 , 34
of the IPC.

The allegation as per the First Information Report is
that when the informant arrived at his land, the petitioner along
with other accused persons abused the informant and his family
members and attacked with deadly weapons and bricks due to
which friends of the informant received head injuries. It has



further been alleged that the petitioner, his two sons along with 10-20 persons threatened the informant with dire consequences and also demanded “rangdari” of Rs. 10 Lakhs. It is also alleged that the petitioner and his sons are continuing their construction upon the land in spite of prohibitory orders passed by Executive Magistrate.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and there is a dispute pertaining to a piece of land purchased by the petitioner which the side of the informant is claiming without any basis. Learned counsel further referring to Annexure 4 to this bail application submits that a Panchayati was held between the petitioner and the side of the informant and during the course of Panchayati it has been recorded by the “Panchas” that the document of the land was produced by the petitioner, but no document with regard to ownership of the land in question was produced by the side of the informant. Learned counsel further submits that injuries caused to the victims are simple in nature and there is case and counter case between the parties inasmuch as petitioner has also received injuries which would be evident from Annexure 6 to the bail application. Learned counsel further submits that petitioner has lodged Shastrinagar P.S. Case No.



727 of 2019 against the informant and others for an occurrence which had taken place on the same date and time.

On the other hand, learned counsel for the State referring to the case diary submits that during the course of investigation it has come to light that both the parties are fighting and claiming possession over a piece of land and in the entire case diary the injury report has not been brought on record.

Having regard to the submissions made by the parties and taking into consideration the materials available on record and the fact that there is case and counter case between the parties, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub- Judge- IV -cum- Additional Chief Judicial Magistrate, Patna / court concerned in connection with Shastri Nagar P.S. Case No. 726 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail



bonds all the parties shall follow the guidelines regarding
lockdown and social distancing.

(Anil Kumar Sinha, J)

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