

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20453 of 2020

Arising Out of PS. Case No.-291 Year-2019 Thana- SABAUR District- Bhagalpur

1. RAJESH SAH Son of Late Sahdeo Sah R/o Badaluchak @ Badaluganj, P.S.- Ishipur, District - Bhagalpur.
2. Jai Prakash Sah Son of Shankar Sah R/o Badaluchak @ Badaluganj, P.S.- Ishipur, District - Bhagalpur.
3. Anjan Kumar Son of Ajay Prasad Mandal R/o at present Astha Nagar, Near Holy Family School, P.S.- Sabaur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishor Das, Adv.
For the Opposite Party/s : Mr. Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 13-08-2020 The Court proceeding has been conducted through virtual mode.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioners undertake to remove the defects within a period of three weeks on



resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the bench.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 406, 420, 467, 468, 471, 34 of the Indian Penal Code.

The prosecution case as per the written report of Vipesh Kumar Singh submitted before the S.H.O., Sabaur Police Station is to the effect that the informant purchased a piece of land appertaining to Khata No.27, Plot No.7 admeasuring an area 2160 sqft Mauza-Banshitikar on 31.05.2011 through a registered sale deed in the name of informant's wife Pinki Devi. Subsequently, the rent receipt was also issued in the name of the wife of the informant. On 31.07.2019 when the informant went to see the land then all the FIR named accused persons, including the petitioners started demolishing the boundary wall and on protest being made they abused the informant and claimed to have purchased the land. Petitioner no.3, Anjan Kumar gave life threatening to the informant. Subsequently, the



informant went to co-accused, Ratnawali Devi and informed her about the incident when co-accused, Ram Vilash Chaudhary, Ratnawali Devi, her daughter Sailratna Singh abused the informant and conveyed that they have already sold the alleged land to petitioner no.1, Rajesh Sah.

It is submitted by learned counsel for the petitioners that in the background of civil nature of dispute, the accusation has been levelled. The cause of action arose on 31.07.2019 when the boundary wall was demolished, but the FIR was registered on 18.09.2019 after more than two months of the alleged occurrence. The land in question has been purchased by co-accused, Rajesh Kumar Sah and Jai Prakash Sah through registered Sale Deed Nos. 65 dated 17.01.2018 and 469 dated 18.01.2018. Admittedly no injury has been caused to the informant. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the accusation is specific against the petitioners and they are named in the FIR.

Considering the fact that the accusation is arising out of civil nature of dispute, let the petitioner above named be released on anticipatory bail for the present provisionally for a



period of three months, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing one surety to the satisfaction of the learned CJM, Bhagalpur, in connection with Sabour P.S. Case No. 291 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Bhagalpur, in connection with Sabour P.S. Case No. 291 of 2019.

The learned Court below will further be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three



months.

Accordingly, the present application stands disposed
of.

Amrendra/Ashwini

(Dinesh Kumar Singh, J)

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