

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24371 of 2020

Arising Out of PS. Case No.-68 Year-2019 Thana- SABAUR District- Bhagalpur

JAI PRAKASH MANDAL Son of Late Kailash Mandal Resident of Village -
Sabour, P.S. - Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr. Murlidhar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-09-2020 Heard Mr. Rajiv Ranjan Singh, learned counsel for the
petitioner and Mr. Murlidhar, learned Additional Public
Prosecutor appearing for the State through video conferencing.

Petitioner apprehends his arrest in connection with
Sabour P.S. Case No. 68 of 2019 registered for the offence
punishable under Section 341, 323 , 327 , 504, 506 & 34 of the
I.P.C.

The allegation against the petitioner as per the First
Information Report lodged by one Bipesh Kumar Singh is that
a piece of land bearing old Khata No. 28, new Khata No. 27
and old Khesra No. 35, new Khesra No. 17 having an area of
2160 square feet in the Mauja Banshitikar Circle Sabour was
purchased in the name of the wife of the informant by sale deed
dated 31.05.2011 for a consideration amount of Rs. 4,50,000/-



and the land was mutated in the name of wife of the informant and rent receipt was issued. It has further been alleged that a boundary wall was constructed by the informant but when the informant visited his land on 26.02.2019 it was found that the boundary wall was demolished by the petitioner and one another accused person with the help of other villagers and new boundary wall was being constructed which was objected by the informant but the petitioner abused and threatened him with dire consequences.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged. Learned counsel further submits that the fact of the matter is Khesra no. 17 , old Khata no. 28 and new Khata no. 27 is a big chunk of land and a portion of the same was purchased by Nutan Tiwari and the wife of the informant in the year 2011 and the said Nutan Tiwari sold the land in favour of one Alok Kumar Sinha in the year 2018 in which the petitioner is one of the witnesses. Learned counsel thus submits that there is dispute with regard to boundary wall between the parties and the petitioner has been dragged in this case merely on the basis of the fact that the petitioner happens to be a witness in the sale deed executed by Nutan Tiwari in favour of Alok Kumar Sinha.



Learned counsel further submits that from perusal of the First Information Report it would be evident that the informant came to know about the demolition of boundary wall on 26.02.2019 but the present F.I.R. has been lodged after a delay of about 18 days on 14.03.2019. Learned counsel further submits that there is no allegation of causing any injury or hurt to the informant by the petitioner and the present dispute is clearly in the nature of civil dispute for which the First Information Report has been lodged and no offence under Section 327 of the I.P.C. is made out against the petitioner.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, 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. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur / court concerned in connection with Sabour P.S. Case No. 68 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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