

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24495 of 2020

Arising Out of PS. Case No.-374 Year-2019 Thana- CHANPATIA District- West Champaran

KAMLESHWAR PRASAD S/o Harishankar Sah, Village- Chanpatia Ward
No.7, P.S.- Chanpatia, District- W. Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Dr.Mritunjay Kr. Gautam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 341, 323, 387, 504, 506 and
149 of the Indian Penal Code.

Prosecution case in brief is that the informant has
gone to his purchased land on 22.11.2019 for filing soil that he
saw tine shed on his land and inside shed the petitioner and
other accused persons are present and they have taken
possession of the land and they forbidden the informant to do
soil filling work. It has also been alleged that they assaulted the
informant by means of lathi and fattha. Petitioner and Hrithik
Roshan put spear on his chest and asked Rs. 10 lacs as Rangdari
Tax and threatened to kill him by life. The purchased land has



been mutated in the name of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to land dispute. The informant has tried to capture the petitioner's land. The informant has assaulted the petitioner and lodged this false case against the petitioner. The petitioner has got land through family partition in which all family members and witnesses have put their signature. The petitioner has constructed the house and living there with whole family. The mother of the petitioner has sold the land without knowledge of the petitioner and influence of younger son. When the dispute was arising then the petitioner has filed Title Suit No. 20/2018 for declaration of title and confirmation of title. The suit is running and pending for disposal. Meantime, the informant created sale deed from title less person and claiming the land. He further submits that the petitioner is in jail custody since 10.02.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail application. There is civil dispute between the parties.

Learned APP for the State has opposes the prayer for bail.

Considering the aforesaid facts and circumstances, let



the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Chanpatia P.S. Case No. 374/2019 to the satisfaction of the learned C.J.M., Bettiah West Champaran.

(Anjani Kumar Sharan, J)

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