

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23541 of 2020**

Arising Out of PS. Case No.-33 Year-2020 Thana- THAKURGANJ District- Kishanganj

1. SHAILENDRA YADAV @ SIPAHI YADAV S/o Late Sukdeo Yadav
Resident of Village- Dhibri, Ward No.12, Krishnapuri, P.S.- Thakurganj,
Distt- Kishanganj.
2. Sanjay Yadav S/o Shailendra Yadav @ Sipahi Yadav Resident of Village-
Dhibri, Ward No.12, Krishnapuri, P.S.- Thakurganj, Distt- Kishanganj.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the Informant	:	Mr. Ram Prawesh Kumar, Advocate
For the State	:	Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by Stamp Report within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners, Mr. Ram Prawesh Kumar, learned counsel representing the informant and Ms. Renu Kumari, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Thakurganj P.S. Case No. 33 of 2020 registered for the offences punishable under Sections 341, 323, 420, 467, 468, 471, 120B, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that from



the First Information Report it will appear that it is a case of pure civil dispute. Both the parties are co-sharers. The grievance of the informant is that the land of Kewala No. 507 dated 10th October, 1975 was purchased in the name of Shailendra Yadav and Kishore Yadav both are sons of Sukhdeo Yadav but the petitioner no. 1, his wife and his sons entered into a conspiracy and by putting whitener on the name of Kishore Kumar got a Jamabandi created in the name of Shailendra Yadav. The informant claims that when this fact was brought to the notice of the Circle Officer, Thakurganj the then Circle Officer and the Karmchari issued rent receipts in the joint name of father of the informant and Shailendra Yadav, but thereafter it is alleged that the family of the informant were ousted from the house by use of criminal force. The informant filed an application before the sub-Divisional Public Grievance Redressal Officer, Kishanganj and requested for measurement of his share of his land and then he alleges that these petitioners are of criminal nature and the informant is now connecting the cause of death of his father because of the threat of the petitioners and in the FIR itself it is alleged that he is having a suspicion on the same. It is the contention of learned counsel for the petitioner that dispute is purely of civil nature and that has been observed by the Public



Grievance Redressal Officer also.

Learned counsel for the informant has opposed the prayer for anticipatory bail of the petitioners contending that these petitioners have got criminal antecedents.

Learned APP for the State has in course of his submission accepted that the allegations are more in the nature of the civil dispute.

Having regard to the facts and circumstances of the case and considering the nature of the allegations and further considering that the criminal antecedents noticed in paragraph '3' are of different nature and so far as the allegations mentioned in the present case are concerned, those are of completely different nature and in the nature of a family dispute in respect of a piece of land, this Court is inclined to grant privilege of anticipatory bail to the petitioners. Let the petitioners above-named in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Kishanganj in connection with Thakurganj P.S. Case No. 33 of 2020, 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.

This application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/avin

U		T	
---	--	---	--

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'.

