

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61329 of 2019

Arising Out of PS. Case No.-110 Year-2015 Thana- RAMKRISHNANAGAR District- Patna

SHIVJEE SINGH Son of Late Ram Kishore Singh Resident of Village - Rasai Bigha, P.S.- Hilsa, Dist.- Nalanda, at Present residing at Village - Chak Bairiya, P.S.- Gopalpur, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar son of late Mahavir Singh R/o vill. Domanchak, P.S. Ramkrishna Nagar, Dist. Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Kumar, Adv
For the Opposite Party/s : Ms.Pushpa Sinha APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 17-06-2020 The matter has been listed today for consideration through Video Conferencing.

Learned counsel for the petitioner and the State are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

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

Petitioner apprehend his arrest in connection with **Ram Krishna Nagar P.S. case no. 110 of 2015** instituted for the offence under Sections 341, 323, 384, 385, 386, 387, 427, 504



and 34 of the IPC .

The prosecution case is that the petitioner along with 8-9 co-accused persons has indulged in abusing and threatening the informant and made demand of ransom of Rs. 20 lacks to permit him to construct further boundary wall over the informant's land. The allegation is also to the extent that the accused persons have demolished the under construction boundary wall.

Petitioner's counsel submits that the land which formed the genesis of the allegation is a disputed piece of land. The brother of the petitioner is *bonafide* purchaser of part of the land from the co-sharers of the informant and, it is in these circumstances, that he has falsely been implicated in the instant case. There is no specific allegation against the petitioner. There is no injury report, and as such, no allegation of assault is made out against the petitioner. It is submitted that in the course of investigation, the lands have been found to be "*Parti*" land, and as such, the case of the prosecution that the boundary wall was under construction is doubtful.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the rival submissions of the parties, prayer of the petitioner for grant of anticipatory bail is allowed. In the



event of surrender/arrest of the petitioner before the court below, named above, within four (04) weeks from today, he 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 the **ACJM Patna**, in connection with **Ram Krishna Nagar P.S. case no. 110 of 2015**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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