

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8607 of 2020**

Arising Out of PS. Case No.-897 Year-2018 Thana- AURANGABAD COMPLAINT CASE  
District- Aurangabad

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1. SEKH SARAJUDIN @ SEKH SERAJUDDIN S/o Son of Sekh Shahadat Resident of Village- Saharsa, P.S.- Mali, Distt- Aurangabad.
  2. Sekh Alauddin Son of Sekh Ismail @ Sekh Ismaiee Resident of Village- Saharsa, P.S.- Mali, Distt- Aurangabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Abdul Gafur Son of Fatem Ahmad Resident of Village- Saharsa, P.S.- Mali, Distt- Aurangabad.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shailesh Kumar Singh  
For the Opposite Party/s : Mr.Nityanand

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      24-06-2020              The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

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

This is an application for grant of anticipatory bail in connection with Aurangabad Complaint Case No. 897 of 2018 registered for the offence punishable under Sections 320, 323 and 341/34 of the Indian Penal Code

The accusation is regarding land dispute having arisen in



between the complainant and the accused persons including the petitioners herein and it is also alleged that the Halka Karamchari, namely, Devendra Singh has demanded bribe and has illegally issued receipt for the said land in question, hence, the accused persons have committed fraud with the complainant.

The learned counsel for petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present and they are having a clean antecedent. It is further submitted that the dispute in question can at best be said to be a civil dispute and the remedy of the complainant lies before the competent court having civil jurisdiction.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also taking into account the fact that prima facie, the allegations levelled in the complaint are in the nature of civil dispute, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing



bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Complaint Case No. 897 of 2018 (T.R.No. 1819 of 2019), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

Ajay/-

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