

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17518 of 2020

Arising Out of PS. Case No.-176 Year-2019 Thana- BIKRAM District- Patna

SATISH KUMAR @ TUBHU Son of Kameshwar Prasad R/O -House No 162
Danara, P.S.- Bikram, District- Patna

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Mohit Ray,Advocate Mr.Ankit Kumar,Advocate
For the Opposite Party/s :		Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 11-01-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Bikram P.S. Case No. 176 of 2019 registered for the offences punishable under Sections 420, 467, 468, 384 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that on a bare perusal of the First Information Report it would appear that a civil dispute between the parties is now being given colour of criminal dispute. According to the informant she had entered into an agreement for sale of land of 42 decimal in the year 2016 with the co-villagers, this petitioner is named as one of the co-villagers. It is the case of the informant that the prospective purchasers had given only a sum of Rs.27,50,000/- but later on they started claiming 55 decimal of land instead of 42 decimal. The informant later on



claimed that she would not sell any land and when she sent her persons to plough the field (total 55 decimal), the accused persons abused and threatened them saying that they had purchased the land.

Learned counsel submits that in fact the informant is herself admitting that there was an agreement for sale of land and she has received the amount, she has not claimed to have refunded the money, still she sent persons from her own side to plough the field. This is the cause of dispute between the parties and from Annexure '2' it would appear that the two of the accused persons have filed Title Suit No. 15 of 2019 on 15.02.2019. The present FIR has been lodged only after the informant came to know about the filing of the said title suit.

The petitioner has otherwise no criminal antecedent.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case, the nature of allegations and the materials noticed hereinabove, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Bikram P.S. Case No. 176 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 6th Danapur, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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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'.

