

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32451 of 2020**

Arising Out of PS. Case No.-504 Year-2019 Thana- BAGHA District- West Champaran

1. Shashi Kant Prasad @ Shashi Kumar Gupta @ Shashi Prasad Son of Late Jagdish gupta @ Jagdish Prasad Resident of Village Patkhauli, P.S. Bagaha (Patkhauli O.P.), District West Champaran.
2. Raj Gupta @ Raju Gupta Son of Shashikant Prasad @ Shashi Kumar Gupta @ Shashi Prasad Resident of Village Patkhauli, P.S. Bagaha (Patkhauli O.P.), District West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. Pranav Kumar Jha, Advocate |
| For the Opposite Party/s | : | Mr. Ram Anurag Singh, APP      |
| For the Informant        | : | Mr. Sanjeev Kumar, Advocate    |

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      17-02-2021                      Heard Mr. Pranav Kumar Jha, learned counsel for the petitioners and Mr. Sanjeev Kumar for the informant. The State is represented by Mr. Ram Anurag Singh, learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Bagaha (Patkhaulli O.P.) P.S. Case No. 504 of 2019 dated 12.09.2019 instituted for the offences under Sections 341, 323, 324, 385, 504 and 34 of the Indian Penal Code.

The petitioner no. 1 is the father of petitioner no. 2.

After investigation, the petitioner no. 2 was not sent up for trial. However, it appears that after



cognizance has been taken against petitioner no. 2, warrant has been issued against him. Hence the necessity for anticipatory bail for both the petitioners.

Though the allegation in the FIR is of demand of Rs. 1 lakh for carrying on the construction work on the said land and assault on the head of the informant because of non-payment of that amount but the learned counsel for the petitioners submits that there is dispute over the ownership and possession of the land in question.

Learned counsel for the petitioners has further submitted that one of the co-sharers of the property had surreptitiously sold more area of land than what was his due, to others and from whom the informant claims to have purchased the same. It has further been submitted that there is a counter version of the occurrence in which the petitioners also have suffered injuries.

Though the informant had suffered head injury but the dimension of the injury does not appear to be life threatening. The petitioner no. 2 was initially not sent up for trial.

The occurrence appears to have taken place because of some dispute regarding the possession of the land.



Considering these aspects of the matter and taking into account that the petitioners do not have criminal antecedents, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, West Champaran in connection with Bagaha (Patkhaulli O.P.) P.S. Case No. 504 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, it is made clear that if the petitioners ever make an attempt to tamper with the evidence or evade the trial, it would be open for the informant to seek cancellation of their anticipatory bail.

**(Ashutosh Kumar, J)**

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