

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11072 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- MEHANDIGANJ District- Patna

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1. SURESH YADAV @ SURESH GOPE, Son of Late Mangal Yadav
 2. Raju Gope, Son of Late Ramashish Yadav
 3. Munna Yadav, Son of Late Ramashish Yadav
 4. Misi Yadav @ Manish Kumar, Son of Surendra Yadav
- All are Residents of Village - Ranipur Khirki, P.S. - Mehdiganj,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-07-2022 Learned counsel for the petitioners submits that petitioner no. 1 has been arrested during the pendency of anticipatory bail application, as such, seeks permission to withdraw the prayer for anticipatory bail against him.

Permission is accorded.

Heard learned counsel for the petitioners no. 2 to 4 and learned A.P.P. for the State.

The petitioners no. 2 to 4 apprehend their arrest in a case registered for the offences punishable under Sections 323, 341, 420, 307, 504, 379, 506/34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners no. 2 to 4 submits



that petitioner no. 2 and 3 are persons with clean antecedent and petitioner no. 4 has antecedent of one case.

The informant alleges that his father had given a sum of Rs.11,35,000/- to Darbari Gope, Surendra Gope, Suresh Yadav, Raju Gope and Munna Yadav for purchasing a land at Mauza Ranipur. It is alleged that his father died on 23.10.2020. Thereafter, the informant requested the petitioners to execute the sale deed with respect to the land in question for which the payment was made, they refused. It is next alleged that on 15.11.2021, the informant went to the house of the petitioners where he was abused and Prakash Yadav and Mishi Kumar fired at him from a pistol but he managed to escape and thereafter Surendra Yadav and Raju Gope threatened him and even snatched Rs.10,000/- from his pocket and a gold chain.

Learned counsel for the petitioners no. 2 to 4 submits that petitioners no. 2 to 4 have been falsely implicated in the present case. The FIR does not even disclose that when the said payment of Rs.11,35,000/- was made. It is next submitted that the name of the witnesses are not given in the FIR in whose presence the said amount was given. It is next submitted that if what has been alleged in the FIR is true then the informant has his remedy available in law for seeking the relief by filing a



civil case under the Specific Performance Act. It is next submitted that criminal cases are not made to settle the civil dispute. It is next submitted that the informant very wisely has tried to falsely implicate the petitioners no. 2 to 4 by alleging that they reached at his home, two of the accused fired at him but he managed to escape. Learned counsel submits that neither any firing was made nor any empty cartridges were recovered from the place of occurrence. The informant only to give a serious colour to the case has alleged that they fired and he managed to escape. It is next submitted that as far as snatching of money and gold chain are concerned, the allegations are ornamental in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners no. 2 to 4, the petitioners no. 2 to 4 above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection



with Mehandiganj P.S. Case No. 133 of 2021, subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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