

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12988 of 2022**

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

1. Darbari Gope, Son Of Late Sipahi Gope Resident Of Mohalla- Ranipur Khirki, P.S.- Mehdiganj, District- Patan
2. Prakash Yadav @ Prakash, Son Of Surendra Yadav Resident Of Mohalla- Ranipur Khirki, P.S.- Mehdiganj, District- Patan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      15-09-2022                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners seek bail in anticipation of 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 and Section 27 of the Arms Act.

The learned counsel for the petitioners submits that the petitioner no.1 is a person with clean antecedent and is aged about 80 years and petitioner no.2 is having antecedent of two cases and the informant alleges that his father had given a sum of Rs.11,35,000/- to Darbari Gope (petitioner no.1), Surendra Gope, Suresh Yadav, Raju Gope and Munna Yadav for



purchasing a land at Mauza Ranipur. It is next alleged that his father died on 23.10.2020, thereafter the informant requested the accused persons including the petitioner to execute the sale deed with respect to the land in question for which, the payment was made, but they refused. It is next alleged that on 15.11.2021, the informant went to the house of the petitioner where he was abused and petitioner no.2 and Misi Yadav fired at him from a pistol, but he managed to escape, thereafter Surendra Yadav and Raju Gope threatened him and even snatched Rs.10,000/- from his pocket along with a gold chain.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that F.I.R. does not even disclose that when the said payment of Rs.11,35,000/- was made. It is also submitted that the name of witnesses are not given in the F.I.R. in whose presence the said amount was given by the father of the informant. The learned counsel further submits that if what has been alleged in the F.I.R. is true, then the informant has his remedies available in law for seeking relief by filing a civil case under the Specific Performance Act. It is also submitted that criminal cases are not meant to settle civil dispute. The learned counsel next submits that the informant very wisely has tried to



implicate the petitioner no.2 by alleging that he along with Misi Yadav fired, but he managed to escape. It is also submitted that neither any firing was made nor any empty cartridge was recovered from the place of occurrence. The informant only to give a serious colour to the case has alleged that petitioner no.2 fired, but he managed to escape and as far as snatching of money and gold chain is alleged, the allegations are ornamental in nature. The learned counsel next submits that petitioner no.1 is aged about 80 years and is a person with clean antecedent and as far as petitioner no.2 is concerned, the allegation against him are ornamental in nature and similarly situated co-accused persons namely, Suresh Yadav @ Suresh Gope, Raju Gope, Munna Yadav and Misi Yadav @ Manish Kumar have been granted anticipatory bail by order dated 06.07.2022 in Cr. Misc. No.11072 of 2022.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum 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 in connection with Mehandiganj P. S.  
Case No.133 of 2021, subject to the conditions laid down under  
Section 438(2) of the Cr.P.C.

The application stands allowed.

**(Satyavrat Verma, J)**

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