

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16088 of 2022

Arising Out of PS. Case No.-451 Year-2021 Thana- BIKRAMGANJ District- Rohtas

1. Krishna Bhagat (M), aged about 35 years, Son of Ramdayal Bhagat, Resident of Village- Indrath Khurd, P.S.- Bikramganj, District- Rohtas.
2. Dhanji Bhagat (M), aged about 35 years, s/o- Ram Briksh Bhagat, resident of village- Indrath Khurd, P.S.- Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate Mr. Shankar Kumar, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-08-2022 Heard Mr. Vikram Deo Singh, learned counsel appearing on behalf of the petitioners and Mr. Nagendra Prasad, learned APP for the State.

Petitioners, who are in custody since 18.12.2021, seek regular bail in connection with Bikramganj P.S. Case No. 451 of 2021 dated 13.12.2021 registered for offences punishable under Sections 147, 148, 149, 341, 323, 385, 307, 379, 504 and 34 of the Indian Penal Code.

Prosecution story in brief is that there is on going land dispute between the informant and the petitioners relating to land pertaining to Khata No. 37 Plot No. 408 Area 4 acres 17 decimals. Specific allegation against petitioner no. 1 is that he had assaulted Rama Shankar Tiwari on his head and petitioner



no. 2 forcibly took L.T.I. on a blank paper with intention to prepare some forged document. Other co-accused persons had also assaulted the informant and had forcibly taken away fertilizers and seeds worth Rs. 15,000/-.

Learned counsel appearing on behalf of the petitioners submits that the allegation primarily relates to dispute relating to land measuring 4 acres and 17 decimals and in this regard, two cases were also lodged against the petitioners which has been mentioned in paragraph no. 3 of the bail application. The petitioner has been made accused in the present case for the said land dispute which is the genesis of the earlier two cases also. Learned counsel for the petitioners further submits that from the injury report, which is 'annexure-4' to the bail application it would appear that injury sustained by the informant is simple in nature. Petitioners are in custody since 18.12.2021. On these grounds, the petitioners seek to be released on bail.

Learned A.P.P. for the State submits that the Courts are clogged with cases relating to land dispute and family matters and such cases must be resolved by pre-mediation among the parties. It would be proper for the petitioners to seek for pre-mediation and resolve the dispute amicably.

This Court also finds that in all such disputes relating to family matter either partition or leading to land dispute, it would be proper for the parties to resolve the dispute amicably



with the interference of well wishers or before the appropriate forum instead of indulging in frivolous criminal cases.

This Court directs the petitioners and the informant to approach either arbitrator or appropriate forum to get their dispute resolved.

This Court directs the petitioners to furnish duly sworn affidavit on their behalf before the Court below that they will try to resolve the present dispute amicably. If such affidavit is filed on behalf of the petitioners, the Court below is directed to release the petitioners, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bikramganj, District- Rohtas in connection with Bikramganj P.S. Case No. 451 of 2021 dated 13.12.2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar



nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

Any observation made in this order shall not affect the merits of the trial relating to the present Bikramganj P.S. Case No. 451 of 2021.

(Purnendu Singh, J)

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