

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20929 of 2022

Arising Out of PS. Case No.-456 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

1. Dinanath Singh, Son Of Sheo Mangal Singh Resident Of Village - Yamuna, P.S.- Chapra Muffasil, District - Saran At Chapra.
2. Anil Kumar Singh, Son Of Rajendra Singh Resident Of Village - Yamuna, P.S.- Chapra Muffasil, District - Saran At Chapra.
3. Kashinath Singh, Son Of Late Mukhlal Singh Resident Of Village - Yamuna, P.S.- Chapra Muffasil, District - Saran At Chapra.
4. Kalyan Kumar Singh @ Kalyan Singh, Son Of Sri Dinanath Singh Resident Of Village - Yamuna, P.S.- Chapra Muffasil, District - Saran At Chapra.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Nawal Kishore Singh
For the Opposite Party/s :	Mr. Sanjay Kumar Tiwary
	Mr. Vijay Kumar
	Ms. Rajani Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-11-2022 The learned counsel for the petitioners seeks permission to withdraw the present anticipatory application with respect to petitioner no.1, namely, Dinanath Singh.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.1, namely, Dinanath Singh.

Heard learned counsel for the petitioners, learned counsel for the informant 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 341, 323, 324, 504, 506, 420/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.3 is aged about 84 years and the informant alleges that petitioners orally gave him 18 katthas of land on lease for business purpose for which they received Rs.32,000/- for the Year 2020 through different cheques. It is further alleged that informant accordingly constructed a godown by spending Rs. Four lakhs on the said land. It is next alleged that when informant requested the petitioners to prepare a lease document, they started avoiding on one pretext or the other and when on 12.09.2021, the informant went to the house of Dinanath Singh for requesting him to enter into a lease agreement, the accused persons started abusing him and scuffled with him.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the dispute appears to be civil, but a criminal colour has been given which is nothing but an abuse of the process of the Court. It is next submitted that if informant is aggrieved by non-execution of the lease agreement



in his favour, he has remedy available in law.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioners that informant has remedy available in law for the relief for which the present F.I.R. has been instituted.

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. 2,000/- (Rupees Two 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 Chapra Muffasil P. S. Case No.456 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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