

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40848 of 2021

Arising Out of PS. Case No.-4417 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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MANOJ RAI @ MANOJ KUMAR Son of Late Ramdeo Rai Resident of
Village- Atwarpur, P.S.- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi Wife of Late Yamuna Pathak Resident of Village- Panditpur,
P.S.- Sakurabad, District- Jehanabad, at present residing at Village New
Atwarpur (Tenant of Ravi Kant Pandey), P.S.- Parsa Bazar, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate Mrs. Usha Kumari Singh, Advocate
For the State	:	Mr. Raj Ballabh Singh, APP
For the O.P. No.2	:	Mr. Kumar Binode Bariar, Advocate Mr. Ranjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 14-11-2022 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 379,
384 & 504/34 of the Indian Penal Code.

The allegation against the petitioner is of



demanding Rangdari and theft.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to land dispute. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. As a matter of fact, north of the land of the complainant there is land of the petitioner and there is dispute with regard to measurement. It is further submitted that the alleged occurrence took place in the month of April, 2019 but the present complaint has been filed on 04.10.2019. There is inordinate and abnormal delay of about six months in filing the complaint petition without assigning any plausible and convincing reason for the said delay. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case as well as the fact that the dispute is civil in nature, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Complaint Case No. 4417 (C) of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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