

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35651 of 2022

Arising Out of PS. Case No.-396 Year-2016 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

Shambhu Deva, S/o Late Chandrachur Deva, R/o village- Ulaw, P.S.-
Begusarai Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anshul, Advocate
Mr. Aditya Pandey, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 27-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Begusarai Muffasil (Singhaul OP) P.S. Case No. 396 of 2016 registered for the alleged offences under Sections 147, 149, 379, 427, 504, 506, 384 of the Indian Penal Code and Section 26 of the Indian Forest Act, 1927.

As per the prosecution case, the petitioner and other co-accused persons, making an unlawful assembly, entered into the house and shop of the informant and assaulted him, took



away Rs. 10,000/- from the shop of the informant and also cut two trees. They further demanded extortion money of Rs. 5 lacs.

Learned counsel for the petitioner submits that it is out and out a false case and the same has been registered due to dispute over family property of father of this petitioner, Late Chandrachud Deva, who was the owner of the Ulaw Estate. The petitioner has been made accused in 4-5 cases and in two such cases, the informant is Dr. Manish Deva, who is the son of the step brother of the petitioner and in another two cases, the informants are the employees of Ulaw Estate. The dispute is over property of Ulaw Estate for which the petitioner is also a claimant. Learned counsel further submits that in none of the cases instituted by a person related to Ulaw Estate, the name of the father of this petitioner has been mentioned and everywhere the name of the mother of the petitioner has been given. This is being done to implicate the petitioner in different criminal cases and not to allow him to claim share in his ancestral property. Learned counsel further submits that the informant has deliberately named this petitioner as Shambhu Paswan, whereas his real name is Shambhu Deva and the petitioner does not use surname as Paswan. Learned counsel further submits that the mother of the petitioner was the third



wife of Chandrachud Deva and she received pension of her late husband as he was an MLA. The petitioner has also been impleaded in Title Suit No. 108 of 1997 as one of the parties being one of the claimants of the property of Ulaw Estate. Learned counsel further submits that the occurrence took place on the property of Ulaw Estate and the said property also belongs to this petitioner, so there would not be any application of Section 379 IPC. The other offences are bailable in nature except Section 384 IPC for which no offence is made out from the facts of the case. Learned counsel further submits that the petitioner is in custody since 31.05.2022.

Learned APP opposes the prayer for bail submitting that there is allegation against the petitioner for entering into the house of the informant and taking away the money and cutting trees.

Having regard to the submissions made hereinabove and considering the fact that there is land dispute and there is strong chance of false implication, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffasil (Singhaul OP)



P.S. Case No. 396 of 2016, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

Consequently, I.A. No. 1 of 2022 also stands disposed of.

V.K.Pandey/-

U		T	
---	--	---	--

(Arun Kumar Jha, J)

