

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36480 of 2022

Arising Out of PS. Case No.-246 Year-2021 Thana- BANIAPUR District- Saran

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1. Savita Kumari @ Savita Devi, W/o Awadhesh Kumar Singh, R/O Vill. - Khoripakar, P.S.- Garkha, District - Saran.
 2. Anmol Singh @ Piyush Singh, Son Of Awadhesh Singh R/O Vill. - Khoripakar, P.S.- Garkha, District - Saran.
 3. Soni Kumari, Wife Of Soni Kumari R/O Vill. - Khoripakar, P.S.- Garkha, District - Saran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary
For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-09-2022 The learned counsel for the petitioners seeks permission to rectify the cause title of petitioner no.1.

Permission is accorded.

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 341, 323, 325, 384, 385, 406, 420, 379, 427, 504 and 506/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the



informant alleges that he purchased 32 Dhurs of land from Gorakh Singh through registered sale deed on which, Awadhesh Singh, son of Gorakh Singh was the witness, but later, Awadhesh Singh got the partition suit filed through Manoj Singh and got the partition suit decreed in favour of Manoj Singh and thus, the informant was left with only 13.5 Dhurs of land. Thereafter, in terms of the sale deed, the informant requested Awadhesh Singh to compensate by taking his another land to which, he agreed, hence, the informant started construction of his house, which was objected by Awadhesh Singh and he demanded compensation of Rs.4,00,000/- and thus, alleges that the accused persons named in the F.I.R. assaulted and snatched Rs.10,000/- and fractured his finger and damaged his kiosks.

The learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the dispute is purely civil in nature and a criminal colour has been given to the case. It is next submitted that the partition suit came to be filed by Manoj Singh, though the informant alleges that it was filed at the behest of Awadhesh Singh. It is next submitted that if the informant is aggrieved by the decree of partition, then he has remedy available elsewhere.



It is also submitted that it has become rampant that dispute of civil nature are being given colour of criminal case.

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 Baniapur P. S. Case No.246 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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