

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56730 of 2021

Arising Out of PS. Case No.-200 Year-2021 Thana- JOGAPATTI District- West Champaran

Dayal Dubey @ Dyaldhar Dubey @ Dayadhar Dubey, Son of Late Jabardhar Dubey @ Vishwanath Dubey, Resident of Village- Serahwa Dakahwa, P.O.- Murli, P.S.- Shikarpur, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Md. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

5 30-03-2022 The applicant/accused in Crime No. 200 of 2021 registered with Yogapatti Police Station for the offences punishable under Sections 467, 468, 471, 384, 386, 120B of the Indian Penal code as well as Section 27 of the Arms Act, by this application is seeking his release on bail after filing of the charge sheet.

Heard the learned counsel appearing for the applicant/accused. He argued that the applicant was gifted with the subject land by registered gift deed dated 05.08.1969 by his maternal grandmother. It is further argued that the dispute is civil in nature and the investigation of the subject crime is over.

On the contrary, the learned counsel for the complainant argued that in order to evict the complainant from



the land purchased by him from Shubhangi Devi and Raghunath Tiwari, accused persons have formed an unlawful assembly and demanded ransom of Rs.7,00,000/- and attempted to take over the possession of the land in question.

The learned Additional Public Prosecutor also opposed the application.

Prima facie the applicant who has passed his title in favour of accused no. 1 is claiming ownership over the subject land on the basis of the gift deed executed by his maternal grandmother whereas the complainant is claiming ownership through the registered document executed by Shubangi Devi and Raghunath Tiwari. It appears that there is dispute in respect of the ownership of the subject land.

Investigation of the subject crime is over and the charge sheet is already filed, his further pretrial detention is not warranted. Hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 200 of 2021 registered with Yogapatti Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -



(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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