

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59482 of 2021

Arising Out of PS. Case No.-80 Year-2021 Thana- GANDHIMAIDAN District- Patna

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SAMSHER PASWAN Son of Late Ram Bilash Paswan Resident of Gali No.
-1, Salimpur Ahara, P.S. - Gandhi Maidan, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Gandhi Maidan P.S. Case No. 80 of 2021 for the offence
registered under Sections 420, 467, 468, 471 and 120B of the
Indian Penal Code.

The informant has alleged that he and his wife had
purchased a piece of land in the year 1988 and subsequently
when they went to the said piece of land for the purposes of
constructing a house, they found that the accused persons were
residing there. It is also alleged that upon the informant having
told the accused persons including the petitioner herein to
vacate the land in question, they refused to do so and instead
abused the informant and threatened him with dire



consequences.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is also submitted that though the petitioner is accused in one other case but he is on bail in the said case. It is further submitted that the allegation levelled by the informant would demonstrate that the same is purely in the nature of civil dispute for which the proper recourse would be to approach the civil court of competent jurisdiction. It is next submitted that even assuming that the petitioner is an unauthorized occupant, he is required to be evicted by taking recourse to appropriate remedy available under the Civil Law. Thus, it is submitted that no case is made out under the provisions of the Indian Penal Code.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and taking into account the materials on record as also considering the fact that the dispute in question is purely in the nature of civil dispute apart from the fact that a title suit is also pending before the learned court below pertaining to the land in question, I deem it fit and proper to admit the petitioner herein



to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Civil Court, Sadar Patna in connection with Gandhi Maidan P.S. Case No. 80 of 2021 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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