

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7973 of 2023

Arising Out of PS. Case No.-780 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

-
1. PANKAJ KUMAR YADAV S/O LATE YUGAL PRASAD YADAV
Resident of Village- Kali Prasad Tola, P.S.- K. Hat, (Madhubani T.O.P.),
District- Purnea.
 2. KUNDAN YADAV @ PRAVEEN KUMAR S/O PARAS YADAV Resident
of Village- Kali Prasad Tola, P.S.- K. Hat, (Madhubani T.O.P.), District-
Purnea.
- Petitioners.

Versus

1. The State of Bihar
2. Nilam Singh W/O Late Vinay Kumar Singh Resident of Village- Bhaua
Prawal, P.S.- Rupauli, District- Purnea.

... .. Opposite Parties.

Appearance :

For the Petitioners	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Mahendra Thakur, Advocate
For the Opposite Party No.2 :		Mr. Sanjay Singh, Sr. Advocate Ms. Sweta Raj, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 08-09-2023 Heard Mr. N.K. Agrawal, learned senior counsel assisted by
Mr. Mahendra Thakur, learned Advocate for the petitioners, Mr.
Sanjay Singh, learned senior counsel assisted by Ms. Sweta Raj,
learned Advocate for the opposite party no.2 and learned A.P.P.
for the State.

2. Learned counsel for the opposite party no.2 has filed a
supplementary counter affidavit in Court but the same shall not
be considered as the Annexures have not been enclosed
properly.



3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 354, 307, 323, 324, 379, 427, 384, 504 and 506 of the Indian Penal Code.

4. Both these petitioners in association of other persons in furtherance of their common intention of all having lathi-danda, iron rod, brick and stones are said to have come at the land of the complainant/opposite party no.2 where she and her family members were doing construction work over the said land and started abusing and assaulting the complainant, her daughter and others. They also demanded rangdari by saying that she will give the said land to them. They also took away the raw materials which were kept for construction work. Other allegations have also been made in the complaint petition.

5. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to land dispute and dirty local politics. It is further submitted that there is inordinate and abnormal delay of one and half month in filing the complaint petition without assigning any plausible and convincing reason for the said delay. It is further submitted that there is an admitted land dispute between the parties for which a Title Suit bearing T.S. No.55/2022 was filed by the



petitioners but, due to non-appearance, the same was dismissed and further the petitioners filed a miscellaneous application which is pending. Petitioners have criminal antecedent as mentioned in para-3 of this application.

6. *Per contra*, Mr. Sanjay Singh, learned senior counsel appearing on behalf of opposite party no.2 vehemently opposing the prayer for bail has submitted that the complainant is a widow and the said land belongs to her but the petitioners are trying to grab the said land forcefully. It is further submitted that the land in question was purchased by the opposite party no.2 in the year 1982 and since then she is coming in possession peacefully and after a lapse of 42 years the petitioners are creating dispute on the land as complainant/opposite party no.2 is a helpless widow. It is further submitted that opposite party no.2 was assaulted by the petitioners and due to which she sustained injury and after getting treatment in Paras Hospital she filed the complaint petition. It is lastly submitted that petitioners are land mafias maintaining group of antisocial elements working together to own extra money or grab the land of other people, hence, they do not deserve anticipatory bail.

7. Having heard rival submissions and considering the facts



and circumstances of the case, as there is admitted land dispute between the parties, let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Complaint Case No.780 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. It is made clear that if the petitioners try to disturb the possession of opposite party no.2 on the land in question, opposite party no.2 will be at liberty to file an application to cancel the bail bond of the petitioners.

(Anjani Kumar Sharan, J)

Trivedi/-

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

