

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13975 of 2023

Arising Out of PS. Case No.-157 Year-2021 Thana- MADHEPUR District- Madhubani

SATISH KUMAR PANDEY @ BABLU PANDEY S/O CHANDESHWAR
PANDEY RESIDENT OF VILLAGE -NAWADA, P.S -MADHEPUR,
DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-05-2023 Heard the learned counsel for the petitioner and
the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Madhepur PS case no. 157 of 2021,
registered for the offences punishable under Sections 406, 420,
379, 506 of the Indian Penal Code.

The case of the prosecution in brief is that one
Saiful Nisha runs the business of brick kiln and his brother
namely Parvez Alam, for the purposes of establishing a brick
kiln took land on lease from the petitioner for 15 years and to
the said effect, two agreements were also entered into,
whereafter the rent was also being paid from time to time,
however, subsequently, the said Parvez Alam, being in need of



money, sold the said brick kiln, by an agreement, to the informant for 10 years and a sale agreement was also executed. It is further alleged that after some time, the informant came to know that the aforesaid land in question, with regard to which agreement had been executed with him, does not belong to the petitioner but the same belongs to one Nutan Shukla. It is also alleged that subsequently, the petitioner had arrived at the said brick kiln and had engaged in creating trouble, had forcefully taken away one trailer bricks, whereafter he had also forcibly occupied the brick kiln.

The learned counsel for the petitioner submits that petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the allegation levelled against the petitioner are in the nature of civil dispute and no criminal offence is made out. It is also submitted that the informant can at best be said to be a tenant and he has got no ownership right of the land in question.

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, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the fact that the allegations levelled by the informant are in the nature of civil dispute, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M.-I, Jhanjharpur, Madhubani in connection with Madhepur PS case no. 157 of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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