

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18822 of 2023

Arising Out of PS. Case No.-566 Year-2022 Thana- GAURICHAK District- Patna

1. Sinodh Ram, aged about 48 years, S/O Late Surat Ram, Resident Of Village- Kamarji, P.S.- Gaurichak, District- Patna.
2. Ram Karan Ram @ Ram Karan Kumar, aged about 27 years, S/O Binodh Ram, Resident Of Village- Kamarji, P.S.- Gaurichak, District- Patna.
3. Balkaran Ram @ Balkaran Kumar, aged about 23 years, S/O Sinod Ram Resident Of Village- Kamarji, P.S.- Gaurichak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navendu Kumar, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2023 Heard Mr. Navendu Kumar, learned counsel
appearing on behalf of the petitioners and Mr. Ram Anurag
Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Gaurichak P.S. Case No. 566 of 2022 dated 28.08.2022
registered for the offence punishable under Sections 147, 149,
341, 307, 323, 324 and 504 of the Indian Penal Code.

3. Prosecution story, in brief, is that when the
informant was planting bamboo tree near his house, the
petitioners along with other co-accused persons came and
started abusing and assaulted with spade and *khanti*, due to



which, informant and his son sustained injury and they were admitted in Sampatchak health centre for treatment.

4. Learned counsel appearing on behalf of the petitioners submitted that informant is inimical to the petitioners and their family members and earlier also, he had lodged a false case against the petitioner due to land dispute. Altogether three cases have been lodged by the informant on false accusation against the petitioners to dispossess them from the land to which the petitioners are rightful owner. The genesis of the lodging of the present FIR is also because of the said dispute. He further submitted that petitioners have already filed a Title Suit No. 455 of 2017 for the said piece of land and the same is pending in the Court of Sub-Judge 13, Patna Sadar.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the allegation made in the FIR as well as the submission made on behalf of the petitioners that root cause of the case relates to title over the piece of land for which petitioners have already filed Title Suit No. 455 of 2017 and the matter being purely civil in nature, I am of the opinion that petitioners have *prima facie* made out a case to be released on bail.



7. The Court below is directed to verify from the record of the Title Suit No. 455 of 2017, which is pending before Sub-Judge 13, Patna Sadar about the party position and if it is found that the informant is also one of the parties in the said Title Suit in that case, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four 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 learned Additional Chief Judicial Magistrate VI, Patna City in connection with Gaurichak P.S. Case No. 566 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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