

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21939 of 2023

Arising Out of PS. Case No.-42 Year-2022 Thana- FATUA District- Patna

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1. RAJIV KUMAR @ RAJIV KUMAR SINGH S/O DEVENDRA SINGH Resident of Village- Makhdumpur, P.S.- Neura (bihta), District- Patna.
 2. RAHUL KUMAR S/O ANIRUDH PRASAD SINGH @ ANIRUDH SINGH Resident of Village- Emanbigaha, P.S.- Fatuha, District- Patna.
 3. VIKASH KUMAR S/O BALESHWAR SINGH Resident of Village- Ismailpur, P.S.- Parsa Bazar, District- Patna.
 4. MRITUNJAY KUMAR S/O SHYAMNARAYAN SINGH Resident of Village- Lochna, P.S.- Punpun, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 419, 420, 379, 341, 323, 504 and 506/34 of the Indian Penal Code later on added Section 386, 307 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act pending in the learned court below.

As per the prosecution case, all the accused persons including the petitioner fraudulently sold the land of the informant in favour of Vikas Kumar. It is further alleged that when informant protested, the accused persons made firing and snatched cash of Rs.10,000/- and gold chain from the possession



of the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is admitted land dispute between the parties and the informant has filed a Title Suit No.12/2002 and in that Title Suit the petitioner no.3 & 4 have been made party and the said title suit is pending before the learned court of Sub Judge-1st, Patna City. He submits that though there is allegation to assault the informant but there is no injury in the record. He further submits that similarly situated other co-accused person has already been granted bail by Coordinate Bench of this Court vide order dated 13.12.2022 passed in Cr. Misc. No. 48827/2022 and vide order dated 19.12.2022 passed in Cr. Misc. No. 51831/2022. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances and the fact that there is civil dispute between the parties, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail



bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Fatuha P.S. Case No.42/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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