

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25408 of 2023

Arising Out of PS. Case No.-103 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. JITENDRA PRASAD S/O LATE BENI PRASAD Resident of Village- Janta Colony, Bairagi, P.S.- Delha District- Gaya.
 2. KANTI DEVI W/O JITENDRA PRASAD Resident of Village- Janta Colony, Bairagi, P.S.- Delha District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. BABLU KUMAR S/O KAPILDEV PRASAD Residing in Mohalla- A.N. Road Murarpur, Near Anil and Co. Ltd., P.S.- Kotwali, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Adv.
For the State	:	Mr.Rabindra Kumar APPP
For the Complainant	:	Ms. Rina Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners, complainant
and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Complaint case no. 103 of 2021 registered for the offence punishable under Sections 323, 342, 379, 384, 386, 504 and 506/34 of the Indian Penal Code.

The allegation in the complaint petition is that the instant petitioner is next door neighbour of the complainant and has pressurized the complainant for selling her land for which he has resorted to violence with the aid of other co-accused persons.

It is submitted that the petitioners are family



members. All have been implicated based on the subsisting dispute between the parties over the boundary in between the two persons. Predominately civil nature of dispute has been raised in the instant criminal proceeding by way of a complaint petition for the oblique purposes of settling civil scores. The petitioners have no antecedents and they are law abiding citizens. It is also submitted that there is no injury report to support the alleged violence perpetrated by the petitioners.

Learned counsel for the complainant as well as learned APP for the State have opposed the prayer for bail. They submit that the petitioners have confined the complainant so as to coerce her to part with her lands. They have also threatened her for the said purpose which is apparent from the complaint petition.

Considering the rival submissions, clean antecedent of the petitioners who are husband and wife, nature of predominately civil dispute raised in the complaint petition, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a



period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J M 1st Class, Gaya, in connection with Complaint case no. 103 of 2021 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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