

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38991 of 2023

Arising Out of PS. Case No.-816 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

1. BRAJESH KUMAR SINGH son of Rajendra Singh Village- Naini Ps- Chhapra Muffasil Dist- Saran
2. Anku Kumar Singh son of Rajendra Singh Village- Naini Ps- Chhapra Muffasil Dist- Saran
3. Vipul Singh son of Rajendra Singh Village- Naini Ps- Chhapra Muffasil Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dhananjay Mishra
For the Opposite Party/s :	Mr. Arvind Kumar Pandey (App.84)
	Mr. Dewendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application, as against the petitioner no.2, as he has been arrested by the police during the pendency of the bail application.

3. Permission is granted.

4. Accordingly, this application as against the petitioner no.2 is dismissed as withdrawn.

5. Now, this application is being heard with regard to the



petitioner no.1 and 3, only.

6. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 427, 385, 387, 504, 506, 379, 34 of the Indian Penal Code and Section 27 of Arms Act.

7. As per the FIR, the boundary wall of the informant is said to have been broken by the petitioners, which was erected by the order of L.R.D.C. and later on petitioner no.1 snatched golden chain from the informant on gun point and also abused him. Petitioner no.3 and other co-accused persons threatened the informant and demanded Rs.2,00,000/- from him.

8. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. It is further submitted that the matter relates with Civil Dispute where a partition suit no.701 of 2022 has been filed by the father of petitioners which is pending in the learned Court below in which the informant is opposite party. The informant filed a case before L.R.D.C. Sadar Chapra



for a piece of land Khata No.225 Survey No.4609, which was heard and disposed of, and with malice of Circle Officer, Sadar Chapra the land of petitioner has wrongly been encroached where the learned LRDC Sadar Chapra has ordered for measurement of the land for a Rakba of 1 katha 15 dhur but the informant forcibly captured the land of the petitioner and the said order has been challenged before the learned Appellate Court. Petitioner no.1 has two criminal antecedents and petitioner no.3 has no criminal antecedent.

9. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that there is allegation against the petitioners to destroy the boundary wall of informant which was constructed by the order of L.R.D.C.

10. Having regard to the facts and circumstances of the case as the matter is related to civil dispute between the parties, let the above named petitioner nos.1 and 3, 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 court below where the case is pending/Successor



Court in connection with Chapra Muffasil P.S. Case No.816 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

11. This application is, accordingly, partly allowed.

(Anjani Kumar Sharan, J)

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