

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42242 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- MAINATAND District- West Champaran

SHIVAJI ARYA Son of Late Sripat Shah Resident of Village - Mainatand,
P.S.- Maintand, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bhagya Narayan Jha
For the Opposite Party/s :	Mr. Umeshanand Pandit
	Mr. Shashank Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State assisted by learned counsel for the
informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
327, 387, 386, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, the allegation
against the petitioner is that he along with other accused persons
came on the landed property of the informant and demanded Rs.
50 lacs for constructing boundary wall. Co-accused Anup
Kumar has also pointed gun on the informant and also assaulted
the brother-in-law and husband of the informant causing injury
to them.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that there is admitted land dispute between the parties. He further submits there is no specific overt act against the petitioner and the petitioner is 75 years old. He also submits that the process u/s 82 and 83 of the Cr.P.C., has been completed during the pendency of the anticipatory bail application. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned counsel for the informant opposed prayer for anticipatory bail and submitted that the petitioner is the member of the gang, which assaulted the informant's side and process u/s 82 and 83 of Cr.P.C. has been completed against the petitioner. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of the case and the judgment passed by a Co-ordinate Bench of this Court in Cr. Misc. No. 38750 of 2021 dated 04.07.2023, let the above named petitioner, be released on bail, in the event of his 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) 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 Mainatand P.S. Case No. 58 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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