

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49250 of 2023

Arising Out of PS. Case No.-259 Year-2022 Thana- CHAUTHAM District- Khagaria

SAURAV SAH @ SOURW KUMAR Son Of Saroj Sah @ Saroj Resident Of
Village- Pipra, Ps- Chautham, Distt- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar
For the Opposite Party/s : Mr.Mrityunjay Kumar, Adv.
Mr. Sanjiv Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 25-08-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Chautham P.S. Case No. 259 of 2022, registered for the offences
punishable under Sections 447,341,323,307,379,504,506,188/34 of
the Indian Penal Code.

3. As per allegation, the informant came to know that
the petitioner along with other accused persons was doing
construction work in the disputed land, in which Circle Officer has
stayed construction work and when he protested, they abused him
and co-accused Saroj Sah fired shot at the informant but he
escaped. The petitioner snatched golden chain from the neck of the
informant.



4. Learned counsel for the petitioner has submitted that a title suit is pending between the parties. As a matter of fact, the petitioner has purchased the disputed land from brother of the informant in whose share it was given in partition. He has falsely been implicated because there is a civil dispute between them.

5. On the other hand, the learned counsel for the informant has vehemently opposed the prayer for bail and submitted that the petitioner has flouted the order of the revenue authority who directed him not to erect construction over the disputed land till final adjudication by the civil court.

6. It appears, it is a matter of civil nature and ultimate remedy lies in civil court and not in criminal court.

7. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Chautham P.S. Case No. 259 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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