

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46249 of 2023**

Arising Out of PS. Case No.-264 Year-2018 Thana- KHAGARIA COMPALINT CASE  
District- Khagaria

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1. UMESH SINGH S/o LATE PANCH LAL SINGH R/o Village- Marar Uttri, P.S- Morkahi, Distt.- Khagaria.
  2. Binod Singh S/O Late Panch Lal Singh R/O Village- Marar Uttri, P.S- Morkahi, Distt.- Khagaria.
  3. Pramod Singh S/O Late Panch Lal Singh R/O Village- Marar Uttri, P.S- Morkahi, Distt.- Khagaria.
  4. Ashok Singh S/O Late Panch Lal Singh R/O Village- Marar Uttri, P.S- Morkahi, Distt.- Khagaria.
  5. Mannu Singh @ Mannu Kumar S/O Gyandev Singh R/o Village- Marar Uttri, P.S- Morkahi, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate.  
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      06-09-2023                      Heard Mr. Mrityunjay Kumar, learned counsel appearing on behalf of the petitioners and Mr. Nand Kishore Prasad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Complaint Case No. 264C/2018 registered for the offence punishable under Sections 323, 324, 354(B), 379, 447, 427 and 504 of the Indian Penal Code.

3. Prosecution story, in brief, is that the accused persons named in the complaint assaulted the husband of the



complainant and the witnesses who objected were also assaulted by the accused persons including the petitioners. Specific allegation against the petitioners is that they wanted to grab the ancestral land of the husband of the complainant.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are boundary raiyat and a false case has been lodged against them. The petitioners never tried to grab the land belonging to the husband of the complainant. Learned counsel further submits that plot number of the land in question has been disclosed in the order of the S.D.M., Khagaria which relates to Mauza- Marar, Khata No. 112, Khesra No. 2936, Area 1 Bigha 12 Katha 2 Dhur. Learned counsel further submits that relating to the said piece of land, the parties have also lodged case and counter case against each other. Petitioners have clean antecedent. As such, the petitioners seek to be released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties, the dispute relates to the land on which both the parties have claimed their right, the complainant has alleged that the land belongs to her but no description of land



has been made, the petitioner has brought on record the order of the S.D.M., Khagaria from which it appears that the dispute relates to a piece of land relating to Mauza- Marar, Khata No. 112, Khesra No. 2936, Area 1 Bigha 12 Katha 2 Dhur as well as other plots, I am of the opinion that the dispute is purely of civil nature, neither the petitioner nor the complainant has filed any title suit with respect to their claim, hence the petitioners, prima facie, have made out a case to be released on bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, after verifying the original document relating to the claim of the petitioners and the complainant considering the dispute being purely civil in nature, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria in connection with Complaint Case No. 264C/2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Purnendu Singh, J)**

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