

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49348 of 2023

Arising Out of PS. Case No.-1000 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Nilesh Kumar Jha, S/O Arvind Kumar Jha, R/O Village- Garuara, P.S-
Muffasil, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hemkant Jha, S/O Late Nachari Jha, R/O Village- Taldsharah, P.O- Singhia
Khurd, P.S- Samastipur Muffasil, Distt.- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Advocate

Mr. Vardaan Mangalam, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest
in connection with C.R. Case No. 1000 of 2021, registered for
the offences under Sections 323, 504, 406 and 420/34 of the
Indian Penal Code.

3. As per prosecution case, in the background of some
dispute over purchase of land, the petitioner and his co-accused
father assaulted the complainant and snatched Rs. 50,000/-.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case as father of the petitioner had already filed a complaint



case bearing Complaint Case No. 805 of 2022 against the complainant for the offence under Sections 341, 323, 326, 406 and 420/34 of I.P.C. and cognizance has been taken by the learned Judicial Magistrate under Section 406 of I.P.C. Learned counsel further submits that petitioner and his co-accused father have been cheated by the complainant as the complainant took Rs. 8,10,000/- from the father of the petitioner showing him some land claiming it to be his own and later on the said land was found to be belonging to the State of Bihar. The co-accused father of the petitioner gave Rs. 1,50,000/- on 04.10.2019 and Rs. 6,60,000/- on 05.07.2021 which was received by the complainant on stamp paper. Subsequently when the fact came to the knowledge that the land was not of the complainant and it belongs to the State of Bihar, the complainant agreed to sell some other land worth Rs. 1,90,000/- and Rs. 6,20,000/- remained with the complainant. The complainant did not return the amount of Rs. 6,20,000/- and started making excuses and a notice was also given to the complainant. Learned counsel further submits that the complainant and his associates assaulted the petitioner and his father and there is case and counter case between the parties over the aforementioned land dispute. Learned counsel further submits that moreover the allegation



against the petitioner is only of hitting the complainant with slaps and fists and there is no serious allegation against him.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner. Learned APP submits that allegation against the petitioner is that he assaulted the complainant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of land dispute and also considering the vague and non-serious nature of allegation against the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-V-cum-A.C.J.M-II, Samastipur/ court concerned in connection with C.R. Case No. 1000 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and



every date fixed by the court below, if so required
by the learned trial court.

(Arun Kumar Jha, J)

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