

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54911 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- AAYAR District- Bhojpur

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1. Vikash Singh @ Vikash Kumar Singh, aged about 38 years, Gender-Male,
S/O Chandeshwar Singh @ Chandeshwar Prasad Singh
 2. Ashok Singh @ Ashok Kumar Singh, aged about 58 years, Gender-Male,
S/O Late Kedar Nath Singh
 3. Manoj Singh @ Manoj Kumar Singh, aged about 35 years, Gender-Male,
S/O Ashok Kumar Singh @ Ashok Singh
All resident of Village- Hadiabad, P.S- Aayar, District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2023 Heard Mr. Bhaskar Shankar, learned counsel

appearing on behalf of the petitioners and Mr. Rajiv Nayan,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Ayar P.S. Case No. 67 of 2023 registered for the offence
punishable under Sections 341, 323, 448, 379, 354, 504 and 34
of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners
had entered into the house of the informant and had snatched
away a chain and *Mangalsutra* from her neck and also tried to
outrage the modesty of the informant.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Informant and the petitioners are agnate and land dispute is between the parties and petitioners have informed that they have filed partition suit which had led to the filing of the present FIR. Allegation of outraging the modesty of the informant and other allegation is not sustainable as the main cause of lodging the FIR is distribution of land between the parties. One criminal case is pending against the petitioners apart from the present FIR, in which they are on bail. Petitioners have undertaken to co-operate in the investigation. On these grounds, petitioners seek to be released on pre-arrest bail.

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

6. Having considered the rival submission made by the parties as well as the fact that the parties are having previous enmity with respect to distribution of land between them. Informant and the petitioners are agnate. Petitioners have undertaken to co-operate in the investigation. The petitioners are directed to produce a copy of partition suit, which they have admitted in paragraph no. 10 of the bail application before the



Court below.

7. The Court below is directed to release the petitioners on anticipatory bail after considering the partition suit, which has been filed by the petitioners claiming for satisfying the learned Court below that primarily, the dispute relates to distribution of land between the parties.

8. 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, 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 learned A.C.J.M.-7th, Bhojpur at Ara in connection with Ayar P.S. Case No. 67 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/Nilmani

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