

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60118 of 2023

Arising Out of PS. Case No.-330 Year-2022 Thana- SHASTRINAGAR District- Patna

1. Tribhuan Prasad Sharma @ Tribhuan Singh, son of Late Mathura Prasad Sharma,
2. Kumar Krishna Kishore @ Tinku, son of Tribhuan Prasad Sharma @ Tribhuan Singh,

Both are residents of Mohalla- Shivpuri, Road No. 1A, Balaji Market, P.S- Shastri Nagar, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Shastri Nagar P.S. Case No. 330 of 2022 dated 10.06.2022, registered for the alleged offences under Sections 341, 342, 323, 324, 307, 354, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons, who were variously armed, attacked the informant with sword and bricks causing a number of injuries on the person of the informant. The attackers also snatched a



gold chain from the wife of the informant. The occurrence took place in the background of some land dispute.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The informant has no land behind his house and the said land belongs to the petitioners. It was the informant and his son who attacked the petitioner no.2, who lodged Shastrinagar P.S. Case No.331 of 2022 under Sections 341, 342, 323, 324, 307, 504, 506/34 of the Indian Penal Code. The land in dispute was purchased in the name of wife of the petitioner no.1 and mother of the petitioner no.2 through registered sale deed way back in the year 1967 and it has been mutated in the name of wife of the petitioner no.1. When the dispute was raised by the informant's side, the land was got measured and the portion disputed was found to be the share of the petitioners. When the informant's side started capturing the land, the petitioner no.1 filed an application under Land Dispute Redressal Act before the DCLR, Patna. Subsequently, a Title Suit No.397 of 2022 was filed by the petitioners' side. The learned counsel further submits that the petitioner no.1 is a retired employee of Indian Railway and retired in the year 1995 and he is aged about 87 years, whereas



the petitioner no.2 is a Dance Teacher. The petitioners are having criminal antecedent of two cases and in both the cases, they are on bail.

5. Learned APP opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the general nature of allegation against the petitioners in the background of land dispute and also considering the possibility of false accusation, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1X, Patna, in connection with Shastrinagar P.S. Case No. 330 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each



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

V.K.Pandey/-

(Arun Kumar Jha, J)

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