

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72371 of 2023

Arising Out of PS. Case No.-3177 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. RAJAN KUMAR GUPTA @ RAJAN KUMAR S/o BIRENDRA PRASAD GUPTA R/o vill - Hamidpur (Deviganj), ward no. 06, Kesariya, P.S. - Kesariya, Distt. - East Champaran
 2. PRAMILA DEVI W/o BIRENDRA PRASAD GUPTA R/o vill - Hamidpur (Deviganj), ward no. 06, Kesariya, P.S. - Kesariya, Distt. - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. KANHAIYA KUMAR SINGH S/o SRI MOHAN SINGH R/o vill - Sri Krishna Nagar, P.S. - Motihari Town, Distt. - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate
For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Complainant Case No. 3177C of 2022 dated 19.12.2021 registered for the offences punishable u/ss 323, 341, 379, 384 and 504 of the Indian Penal Code.

3. As per the prosecution case, the Complainant purchased 15 dhurs land in the name of his wife from one Rajendra Prasad Gupta. When the Complainant went to construct boundary, then the petitioners and the co-accused



persons assaulted him with danda and bricks and they demanded Rs. 5 lakhs for construction of boundary and threatened him. The co-accused Dhananjay Gupta took Rs. 65,000/- from the Complainant on the point of pistol. The petitioner Pramila Devi tried to assault the Complainant with bricks. The co-accused Birendra Prasad Gupta had taken Rs. 20 lakhs in cash from the Complainant for sale his share measuring 15 dhurs and rest amount of Rs. 5 lakhs was to be paid at the time of execution of the sale deed but the sale deed was not executed.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is no specific allegation against the petitioners and the petitioners being the son and wife of the co-accused Birendra Prasad Gupta due to which the petitioners have been implicated in this case. It is further submitted that the petitioners have no concern with the alleged offence. The petitioner no. 1 is accused in 4 other criminal cases whereas the petitioner no. 2 is accused in three other criminal cases as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances



of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, East Champaran, Motihari in connection with Complaint Case No. 3177C of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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