

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73119 of 2023

Arising Out of PS. Case No.-296 Year-2022 Thana- SHASTRINAGAR District- Patna

1. Most. Sona Devi Wife Of Late Lal Babu Kapariya R/O- Kapariya Tola Brahmsthan Road, Ps- Shastrinagar Dist- Patna
2. Smt. Asha Devi Wife Of Hira Lal Kapariya R/O- Kapariya Tola Brahmsthan Road, Ps- Shastrinagar Dist- Patna
3. Manju Devi Wife Of Rajesh Kapariya R/O- Kapariya Tola Brahmsthan Road, Ps- Shastrinagar Dist- Patna
4. Ramesh Kapariya Son Of Late Lal Babu Kapariya R/O- Kapariya Tola Brahmsthan Road, Ps- Shastrinagar Dist- Patna
5. Hira Lal Kapariya Son Of Late Jamuni Kapariya R/O- Kapariya Tola Brahmsthan Road, Ps- Shastrinagar Dist- Patna
6. Tinku Kapariya @ Siddharth Kumar Son Of Hira Lal Kapariya R/O- Kapariya Tola Brahmsthan Road, Ps- Shastrinagar Dist- Patna
7. Jitendra Kapariya @ Jitendra Kumar Kapariya Son Of Late Mohan Lala Kapariya R/O- Kapariya Tola Brahmsthan Road, Ps- Shastrinagar Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. SUNIL KUMAR SINGH son of Lal Bihari Singh Village- Bardahi Ps- Babu barahi Dist- Madhubani At Present flat no-104, Pandey Residency Surya Vihar Abhiyanta Nagar Z Sector Ps- Rajivnagar Dist- patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ravi Shanker Pankaj, Advocate
For the Opposite Party/s :	Mr.Upendra Kumar, APP
For the Informant/s :	Mr. Rajendra Prasad, Advocate
	Mr. Pramod Kumar, Advocate
	Mr. Dharendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 07-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and



learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Shashtrinagar P.S Case No. 296/2022 dated 29.05.2022 registered for the offences punishable under Sections 341, 324, 323, 355, 384, 504, 506 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the informant got a land purchased in Kapariya Tola, Patna from land owner, with consulting different residence of that Kapariya Tola, further after sale deed registry one agreement and affidavit in Executive Magistrate, Patna were also prepared. As per the agreement and consent the informant will have to provide separate houses at another place and thereafter, they assured that they would vacate their lands if the informant gives them houses. But after purchase and construction of houses, two of the Kapariya family (Petitioner No. 4 and Petitioner No. 7) denied to vacate the land of the informant and went to their allotted houses. These members of two families asked Rs. 5 lacs for vacating the land but now they are demanding Rs. 10 lacs. For that purpose, P.S Case No. 71 of 2022 was filed by the informant. On 29.05.2022, all the petitioners abused and assaulted the informant due to the land dispute.



5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case due to previous enmity between both the parties. Learned counsel has further submitted that the petitioners were threatened by the informant and his associated and goons to vacate the land. The petitioners have never executed any Ekrarnama nor entered into any agreement. The petitioners are accused in three other criminal cases out of which two cases are from same party as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. 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 anticipatory 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, Patna in connection with Shashtrinagar P.S Case No. 296/2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition:-

(i). The petitioners are directed to remain physically



present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioners are liable to be cancelled.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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