

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76910 of 2023

Arising Out of PS. Case No.-125 Year-2013 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. RAMJI PRASAD Son of Late Sitasharan Mahto R/o vill - Pura, P.O. - Mandachh, P.S. - Telhara, Distt. - Nalanda
 2. Vishwajit Kumar @ Rahul Kumar Son of Ramji Prasad R/o vill - Pura, P.O. - Mandachh, P.S. - Telhara, Distt. - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mohan Kumar Son of Surendra Prasad R/o vill - Pura, P.O. - Mandachh, P.S. - Telhara, Distt. - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2023 Heard learned counsel for the petitioners as well as learned APP for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No.125(C) of 2013, registered for the offence punishable under Sections 420, 467, 468 and 120(B) of the Indian Penal Code.

3. The allegation against the petitioners is that they along with other co-accused persons assaulted the complainant's side by means of several weapons. The reason behind the alleged occurrence is that the father of the complainant and accused no.1 are brothers and they are entitled to half share of a land but



accused no.1 had executed three sale deeds to other accused persons.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. Earlier the petitioners have filed Cr. Misc. No.40842 of 2019, which was rejected by order dated 05.09.2019 and thereafter they filed Cr. Misc. No.2463 of 2020, which stood rejected by order dated 22.12.2021 and thereafter they have again moved to this Hon'ble Court in year 2023 by filing present anticipatory bail for the third time. He further submits that there is a civil dispute between the parties and therefore, no criminal case is made out against the petitioners. He submits that as soon as the petitioners got to know about the order dated 18.01.2014, they filed Cr. Revision No.416 of 2014, after hearing the petitioners aforesaid revision was admitted for hearing and notice was issued to the complainant in pursuance to which he appeared and contested the case but learned Court below by committing error of law and facts by order dated 08.10.2018 dismissed the said case. Thereafter, a bailable warrant was issued against the petitioners on 26.07.2019 and they filed ABP No.89 of 2019 in the learned Court below which was also rejected by order dated 08.02.2019.



He further submits that when the petitioners came to know about the issuance of bailable warrant fixing 02.09.2019 apprehending their arrest that despite of bailable warrant, Trial Court will not release them on regular bail as their anticipatory bail had been rejected by this Hon'ble Court. He further submits that from the perusal of complaint petition, it is clear that there is suit for partition pending since 1999 at the behest of the father of complainant, *panchnama* had also arrived at and in suit they have asserted that the land which has been sold by the petitioners be allotted in their share for which they are ready. Petitioners have no criminal antecedent, which is also mentioned in para-3 of the bail application.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as well as considering the arguments of the parties and also considering that the petitioners have filed third bail application for bail, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. Accordingly, this application is dismissed.

8. However, if the petitioners surrender before the learned



Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day, in accordance with law considering that there is a civil dispute between the parties.

(Anjani Kumar Sharan, J)

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