

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71043 of 2022

Arising Out of PS. Case No.-312 Year-2022 Thana- KESARIA District- East Champaran

1. Anand Kumar S/o Shivakant Thakur
 2. Shyamakant Thakur S/o Late Lalji Thakur
 3. Manoranjan Thakur S/o Late Daroga Thakur
 4. Nawal Kishore Thakur @ Nawal Sharma @ Nawal Kishore Singh S/o Late Yamuna Singh
 5. Alok Kumar S/o Shivakant Thakur
- All are residents of village-Sarotar, P.S.- Dumariyaghat, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP
For the Informant	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 25-04-2023 At the outset, it is submitted by learned counsel for the petitioners that since petitioner nos. 1 and 3, namely, Anand Kumar and Manoranjan Thakur has already been arrested by the police during the pendency of the bail application, prayer of their anticipatory bail become infructuous.

Now this application survive for above-named petitioner nos. 2, 4 and 5 only.

The accused/petitioners at serial nos.2, 4 and 5 are named in the FIR and apprehend their arrest in connection with Kesariya P.S. Case No.312 of 2022 registered for the offences



punishable under Sections 420, 467, 468, 471, 385 and 506 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that petitioner no.2 is the executor of the sale deed, who is non-else but the full brother of the informant and he is also one of the co-sharer of the property in question for which title suit bearing Civil Suit No.224 of 2020 is pending before the learned Sub Judge-IX, East Champaran, Motihari. It is submitted that just to aggravate the allegations, which is purely founded over civil dispute, the allegation of extortion was raised without having any occasion. It is also pointed out that petitioner no.2 found involved in one case related to matrimonial discord where police submitted final form, petitioner no.4 is a man of clean antecedent and petitioner no.5 found involved in three cases, where he is on bail. While concluding argument, it is submitted that petitioner nos. 4 and 5 are the purchasers and they themselves are victim of the circumstances.

Learned Additional Public Prosecutor appearing for the State duly assisted by Mr. Rajesh Kumar, learned counsel for the informant submitted that the thrust of allegations is available against petitioner no.2 but, he fairly conceded that petitioner is



the full brother of the informant.

In view of the above-mentioned facts and circumstances, as the dispute appearing in nature of civil litigation where the petitioner no.2 is the full brother of the informant, let above-named petitioner at serial no. 2, 4 and 5, namely, Shyamakant Thakur, Nawal Kishore Thakur @ Nawal Sharma @ Nawal Kishore Singh and Alok Kumar, in the event of their arrest or surrender in the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari/concerned concerned in connection with Kesariya P.S. Case No.312 of 2022 subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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