

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15050 of 2024

Arising Out of PS. Case No.-435 Year-2023 Thana- HILSA District- Nalanda

1. BUDHU BIND S/O LATE BASUDEV BIND R/O VILLAGE- SIPARA, P.S.- HILSA, DISTRICT- NALANDA
2. REKHA DEVI WIFE OF BUDHU BIND R/O VILLAGE- SIPARA, P.S.- HILSA, DISTRICT- NALANDA
3. INDRAJEET BIND SON OF BUDHU BIND R/O VILLAGE- SIPARA, P.S.- HILSA, DISTRICT- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-03-2024 **1.** Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. All accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Hilsa P.S. Case No. 435 of 2023 registered for the offences punishable under Sections 406, 420, 341, 323, 385, 504 and 34 of the Indian Penal Code.

3. The allegation against the petitioners is not to execute the sale deed in favour of informant after entering



into an agreement dated 26.06.2023, where petitioner no. 1 received full consideration amount and even despite that continued agricultural activities on the said land, description of which is available in FIR, itself and thus cheated informant and when such agricultural activity on 02.07.2023 was objected by informant, he was assaulted and abused by petitioners.

4. Learned counsel appearing on behalf of petitioners submitted that apparently alleged occurrence arises out of land dispute, where agreement in the issue was executed much before i.e., 20 years ago, as of now. It is submitted that it is a case of specific performance as per the narration of FIR for which legal remedies are available in civil prosecution, rather than taking shelter of criminal case. While concluding the argument it is submitted that petitioner no. 2 is a lady of clean antecedent, whereas petitioner no(s). 1 and 3 found involved in two more criminal cases with said informant only out of land dispute, where they are also on bail.

5. Learned APP appearing on behalf of the State,



opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact, as implication of petitioner, *prima facie*, appears out of land dispute, where agreement appears executed long back in the year 2003 itself, accordingly all the petitioners above named, in the event of their arrest or surrender before the learned Court within a period of four weeks, are directed to be released on bail, 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 Additional Chief Judicial Magistrate, Hilsa, Nalanda/concerned Court where the case is pending in connection with Hilsa P.S. Case No. 435 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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