

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19687 of 2024

Arising Out of PS. Case No.-630 Year-2023 Thana- MANER District- Patna

1. JITENDRA SINGH S/O LATE AWADH BIHARI SINGH R/O JAMUNIPUR, P.S- NEOURA (BIHTA), DISTT.- PATNA AT PRESENT HOUSE NO. 1544, GALI NO. 15, NAYA GAV, KRISHNA KUNJ, BHONDSI GURGAON, HARIYANA- 122102.
2. SHASHI BHUSHAN SINGH S/O LATE AWADH BIHARI SINGH R/O JAMUNIPUR, P.S- NEOURA (BIHTA), DISTT.- PATNA AT PRESENT HOUSE NO. 145, PLOT NO. 10/11, BIPIN GARDEN, UTTAM NAGAR, WEST DELHI-110059.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Ranjan
For the Opposite Party/s : Mr.Yogendra Kumar Singh
Mr.Sanjeev Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner apprehends arrest in a case registered
for the offence punishable under Sections 302, 34, 120(B) of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution story, the informant alleged
that when his brother was sitting in his medical shop, due to
previous land dispute, these petitioners alongwith co-accused
Chandra Bhushan Singh under a conspiracy sent Chunnu Rai
and Bishundhari Rai @ Sipahi Jee along with 4 -5 unknown



persons, pretending as buyers of medicines, entered the shop and it is alleged that while unknown persons asked for a medicine, Chuunu Rai and Bishundhari Rai @ Sipahi Jee resorted to indiscriminate firing causing serious injury to the informant's brother. They later, retreated. He was rushed to the Paras Hospital where the Doctor declared him dead. The reason has been assigned that the informant was having land dispute with petitioners' family for which scuffle took place earlier and petitioners and co-accused Chandra Bhushan Singh had warned him of dire consequences. Accordingly, the present FIR has been lodged.

4. It is submitted on behalf of petitioners that from bare perusal of the F.I.R., it is apparent that these petitioners are only alleged to be conspirator. There is no allegation of any overt act against petitioners. As a matter of fact, the deceased was the land broker-cum-land mafia and deceased alongwith his associates forcibly took photograph and thumb impression of Navratan Devi (mother of petitioners) on plane paper and got registered five sale-deeds without giving any consideration money, for which, petitioner have already filed a title suit, vide T.S. No. 341 of 2021, in the court of learned Sub-Judge V, Danapur (Patna). Apart from this, petitioner no. 2 has also



lodged an F.I.R., vide Bihta P.S. Case No. 723 of 2021 under Sections 419, 420, 467, 468/34 of the Indian Penal Code against one Jyoti Devi, with whose connivance aforesaid deeds were executed, and others for this fraudulent act. After lodging of aforesaid case, the informant and others had also threatened petitioners, for which, a complaint was also made before the SHO, Neura as well as before the Dy.S.P., Danapur.

5. However, learned A.P.P. for the State and learned counsel for the informant opposed the bail petition. Learned counsel for the informant submits that due to land dispute, these petitioners hired criminals and got brother of the informant killed.

6. Heard the submissions made on behalf of the parties and perused the materials available on record. Taking into consideration the entire facts, at best, the petitioners are only alleged to be conspirators and there is land dispute between the parties.

7. In that view of the matter, the prayer for anticipatory bail of petitioners is allowed. 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-bonds of Rs. 10,000/- (ten thousand) each with two sureties of



the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur (Patna) in connection with Maner P.S. Case No. 630 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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