

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20411 of 2024

Arising Out of PS. Case No.-268 Year-2023 Thana- ISLAMPUR District- Nalanda

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Ram Pravesh Prasad, aged about 56 years, Male, Son of Bishundeo Prasad
Resident of Village- Sohjana Makhdumpur, P.S.- Islampur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-04-2024 Heard Mr. Vibhuti Ranjan Sonvadra, learned counsel

appearing on behalf of the petitioner and Mr. Binod Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Islampur P.S. Case No. 268 of 2023 registered for the
offence(s) punishable under Sections 406, 420, 467, 468, 471,
504, 120(B) of the Indian Penal Code.

3. As per the allegation made in the FIR, the dispute
relates to ancestral land of the informant, which has been
recorded in the FIR incorrectly as Khata No.157 in place of
Khata No.187, Khesra No.667, an area of 38 decimals and
Khata No.18, Khesra No.658, an area of 7 decimals.

4. Learned counsel appearing on behalf of the
petitioner submitted that from the mortgaged deed, it appears



that father of the informant has mortgaged the property, as mentioned in the FIR, subject to the condition that any objection is raised by his own brother, Nalin Kumar Chakarwari @ Janardan Prasad with respect to the land, measuring area of 38 decimals and 7 decimals then in that case, he agrees to exchange the land located in Chaklondipur, P.S. Ekangarsharai, District, Nalanda and in need of money, he has executed a deed of mortgage. Learned counsel further submitted that the petitioner is ready to return the entire amount of the mortgage in terms of the agreement executed by father of the informant, namely, late Braj Mohan Prasad, but instead of that to pressurize the petitioner, a false case has been lodged against him. Learned counsel further submitted that to redeem the mortgaged property, informant instead of filing suit before a competent civil court, he has resorted to file the present FIR.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation to be purely civil in nature, as well as, specific content of the mortgaged deed in the recital, it appears that the father of the informant, who was the executant of the said deed, had mortgaged certain property belonging to him to his own brother and uncle of the



informant, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa, Nalanda in connection with Islampur P.S. Case No. 268 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The parties may avail appropriate remedy in accordance with law before a competent court.

(Purnendu Singh, J)

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