

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21620 of 2024

Arising Out of PS. Case No.-549 Year-2023 Thana- RAXAUL District- East Champaran

1. Googli Ram S/o Shivgobind Ram R/o Vill./ Mohalla - Chainpur Masanari, P.S. - Raxual, Dist. - East Champaran
2. Anita Devi W/o Prabhu Singh @ Prabhu Rai R/o Vill./ Mohalla - Chiknauta, P.S. - Sugauli, Dist. - East Champaran
3. Ram Bharosh Yadav S/o Acchdev Yadav R/o Vill./ Mohalla - Chainpur Masanari, P.S. - Raxual, Dist. - East Champaran
4. Pawan Kumar Ray @ Pawan Ray S/o Rajeshwar Rai R/o Vill./ Mohalla - Kaurihar, P.S. - Raxual, Dist. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 384, 467, 468, 471, 504, 506 of the Indian Penal Code.

3. As per the prosecution case, on 25.11.2023, all the accused persons including these petitioners holding weapons in their hands came at the field of the informant and demanded Rs. 10 lacs. They also claimed the ownership of the land on the basis of gift deed and when the informant demanded paper, the



accused persons threatened the informant of dire consequences due to which scuffle took place between the parties and accused persons assaulted the informant.

4. Learned counsel for the petitioners submits that petitioner Nos. 1 and 4 have been made accused in this case merely because they happen to be the witnesses to the agreement of the sale deed and there is no specific role attributed to petitioner Nos. 2 and 3. Informant has no right and title over the land in question and he is not in possession of the said land. The land in question was in the name of co-accused Chandrika Ray and Prabhu Ray on the basis of gift deed dated 20.07.1970. Moreover, the present case is of civil nature and no criminal offence is made out. Allegation of assault is ornamental in nature only to make the case grave. Petitioner Nos. 1 to 3 claim clean antecedent and petitioner No. 4 has three criminal antecedents in which he is on bail.

5. Learned A.P.P. for the State vehemently opposed the application.

6. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of six



weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Raxaul P. S. Case No. 549 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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