

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32547 of 2023

Arising Out of PS. Case No.-160 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Divesh Kumar Mishra @ Divesh Mishra @ Devesh Kumar Mishra @ Devesh Mishra, aged about 25 years, Sex-Male, S/o Ram Lok Mishra, Resident of village-Rampur Virit, P.S.-Madhawapur, District-Madhubani.
 2. Vimala Devi, aged about 55 years, Sex-Female, W/o Ram K Mishra, Resident of village-Rampur Virit, P.S.-Madhawapur, District-Madhubani.
 3. Ram Lok Mishra, aged about 60 years, Sex-Male, S/o Late Bhogendra Mishra, Resident of village-Rampur Virit, P.S.-Madhawapur, District-Madhubani.

... .. Petitioners

Versus

1. The State Of Bihar.
2. Trilok Mishra, S/O Late Bhogendra Mishra, R/V- Rampur, Virit, P.S. Madhwapur, Dist.- Madhubani.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Dr. Ram Kishor Chaudhary, Advocate
For the State	:	Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 17-02-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 160 of 2022 in which cognizance has been taken for the offences punishable under Sections 341, 323, 379, 420 and 504/34 of the I.P.C.

3. As per the prosecution case, the petitioners are men of criminal mentality. The complainant and the petitioner no. 3 are full brothers and the petitioner nos. 1 and 2 are the sons and



the wife of the petitioner no. 3. The complainant's mother partitioned her *Gharari* land among her three sons, and the rest of the land was kept with her for maintaining herself. After the death of her mother, the petitioner no. 3 executed a registered sale deed of land measuring an area of 15 Kathas 4 dhurs in favour of the petitioner no. 2 on 24.09.2019 without partitioning among the three *Farikain*. When this fact came to the knowledge of the complainant, he asked about this information from these petitioners and they started abusing and put knife on his chest and obtained his signature on the stamp paper. It is further alleged that these petitioners had cut *Sisam* trees and bamboo trees earlier worth Rs. 50,000/-.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely been implicated in the present case. It is submitted that from perusal of the complaint petition, it appears that there is an admitted land dispute between the parties. It is a case of civil dispute and if the complainant has any grievance, he has legal remedy in the civil court. It is further submitted that the petitioner no. 1 has already filed Title Suit No.19 of 2022 with respect to the land before the concerned court. It is further submitted that during the investigation, the witnesses have not supported the



prosecution case. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

5.Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Madhubani in connection with Complaint Case No. 160 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, the application stands allowed.

(Chandra Prakash Singh, J)

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