

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27945 of 2024

Arising Out of PS. Case No.-520 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. NILAM RAY @ NEELAM RAI @ NEELAM RAY WIFE OF PANKAJ KUMR RAI RESIDENT OF VILLAGE- DASAUT, PS- HATHAURI, DIST- SAMASTIPUR
 2. CHAMCHAM RAI WIFE OF DHIRAJ KUMAR RAI RESIDENT OF VILLAGE- DASAUT, PS- HATHAURI, DIST- SAMASTIPUR
 3. PANKAJ KUMAR RAI SON OF HARISH CHANDRA RAY @ JIBACHH RAY RESIDENT OF VILLAGE- DASAUT, PS- HATHAURI, DIST- SAMASTIPUR
 4. DHIRAJ PRASAD RAI @ DHIRAJ KUMAR RAI SON OF HARISHCHANDRA RAY @ JIBACHH RAY RESIDENT OF VILLAGE- DASAUT, PS- HATHAURI, DIST- SAMASTIPUR
 5. DIWAKAR KUMAR RAI SON OF PANKAJ KUMAR RAI RESIDENT OF VILLAGE- DASAUT, PS- HATHAURI, DIST- SAMASTIPUR
 6. SACHIN KUMAR RAI SON OF PANKAJ KUMAR RAI RESIDENT OF VILLAGE- DASAUT, PS- HATHAURI, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. DEEPAK KUMAR JHA SON OF DEENANATH JHA RESIDENT OF VILLAGE- DASAUT, PS- HATHAURI, DIST- SAMASTIPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Complaint Case No. 520 of 2023 (T.R. No. 1097 of 2023),
instituted under Sections 323, 420, 468 and 504 of the Indian
Penal Code.



3. According to complaint petition, allegation is that one Vishwanath Jha executed the land of the complainant to Nilam Ram and Chamcham Rai and both of them talked with other petitioners for ploughing of land and when the complainant forbade then all the accused persons assaulted the complainant and others and in course of it petitioner Sachin Kumar Rai snatched golden chain from the neck of complainant and other petitioners Pankaj Kumar Rai, Dhiraj Prasad, Rai, pushed the wife of the complainant and also misbehaved with her.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and have been falsely implicated in this case. Petitioner nos. 1 and 2 are the purchaser from Vishwanath Jha who purchased this land through sale deed dated 03.06.2023 and the present complaint case has been lodged on 15.07.2023. Learned counsel for the petitioners further submitted that Title Suit no. 228 of 2023 has been filed by the father of the complainant and Title Suit No. 235 of 2023 has been filed by petitioner Nos. 1 and 2 for declaring the gift deed dated 05.03.1982 in favour of father of the complainant as null and void. Both civil suits are pending for final adjudication. It is submitted that the dispute is purely civil in nature. It is



submitted that petitioner Nos. 1 and 2 have clean antecedent. So far as petitioner Nos. 3, 4, 5 and 6 are concerned, five cases are pending against them.

5. Learned Special PP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Complaint Case No. 520 of 2023 (T.R. No. 1097 of 2023), they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st, Rosera, Samastipur subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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