

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36474 of 2024

Arising Out of PS. Case No.-774 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Vijay Kumar Shukla @ Munna Shukla S/O Late Ramdas Shukla R/O Village-
Khanjahachak, P.S.- Lalganj, Dist- Vaishali At Present Resident Of Mohalla
Naya Tola, P.S.- Kazi Mohammadpur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amitabh Kumar Gupta Son Of Late Laxmi Narayan Gupta R/O Village-
Govindpuri, Bibiganj, P.S.- Sadar, Dist-Muzaffarpur(Informant)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Ms. Vaishnavi Singh, Advocate
	:	Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-07-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner, Mr. Natraj Verma, learned counsel for the

informant and Mr. Nagendra Prasad, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sadar P.S. Case No. 774 of 2023, FIR dated
08.08.2023 registered for the offences punishable under
Sections 147, 149, 406, 409, 420, 427, 467, 468, 471, 478, 120(b) of
the Indian Penal Code.

3. Allegation against the petitioner is that he
alongwith his wife and other co-accused persons wrongly



demarcated the land of the informant.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of the complaint petition which is converted into the FIR, it appears that the subject matter of the land in question is settled long back in 2017 but the complainant has filed the present complaint/FIR in the year 2023 and wife of the petitioner has purchased the land in question from Thakur Raj Kishore Sharma on 24.04.2006 and the land in question mutated in the name of the wife of the petitioner on 25.11.2017 and informant/complainant has not challenged the order of mutation before any competent court of law and in the year 2023 he has filed the present FIR against the petitioner, his wife and other co-accused persons only on the ground that they have wrongly demarcated the land in question.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries twenty more cases other than the present one but he fairly submits that the out of twenty cases, the petitioner is on bail in fifteen cases, and rest five cases are pending for consideration, as mentioned in para-3 of the



anticipatory bail petition.

6. Considering the aforesaid facts and the nature of allegation as alleged in the FIR, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S.Case No.774 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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