

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38334 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- RAJAPAKAR District- Vaishali

1. Bedami Devi W/o Raj Narayan Singh R/o Fulhara Bazar, P.S. - Raja Pakar, Distt. - Vaishali
2. Anand Kumar S/o Raju Singh @ Raju Kumar Singh R/o Fulhara Bazar, P.S. - Raja Pakar, Distt. - Vaishali
3. Raj Kumar Singh S/o Raj Narayan Singh R/o Fulhara Bazar, P.S. - Raja Pakar, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the State	:	Md. Mushtaque Alam, A.P.P.
For the Informant	:	Mr. Dilip Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 21-08-2024 Heard learned counsel for the petitioners, informant and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 379/34 of the Indian Penal Code.

3. Prosecution case, in brief, is that petitioner No. 3 agreed to sell his shop and land to informant and in turn, informant gave Rs. 30 lacs to his mother but these petitioners started evading to execute the sale deed. When informant went to the house of petitioners to demand his money back, all the F.I.R. named accused persons including these petitioners, armed



with deadly weapons, abused and assaulted informant with *hasua* on his head. It is further alleged that on 05.09.2023 all the accused persons surrounded informant and assaulted him and petitioner No. 1 along with co-accused Suman Devi snatched gold chain and purse containing documents and cash of informant.

4. Learned counsel for the petitioners submits that from bare perusal of the F.I.R. it is apparent that informant is none other than tenant of these petitioners and there is tenancy dispute between them. As a matter of fact, informant with his associates assaulted petitioners for which petitioner No. 3 has lodged Rajapakar P. S. Case No. 322 of 2023 against informant and others and in retaliation, this false and concocted case has been lodged against the petitioners. He further submits that even the injury allegedly caused by these petitioners is simple in nature.

5. Learned counsel for the informant vehemently opposed the bail application and submitted that petitioners are named in the F.I.R. with accusation that they assaulted informant with *hasua* as a result of which he sustained injury. He further submitted that petitioner No. 3 has got three criminal antecedents.



6. In reply to which, learned counsel counsel for the petitioners submitted that all the three cases were lodged by the informant due to landlord-tenant dispute.

7. 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Rajapakar P. S. Case No. 323 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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