

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43159 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- PUPRI District- Sitamarhi

1. Kartik Kumar Verma S/O - Kailash Prasad Verma R/O Village- Jhajhihat, Ward No. 11, P.S- Pupri, Distt.- Sitamarhi.
2. Kailash Prasad Verma S/O Late Shyam Narayan Lal R/O Village- Jhajhihat, Ward No. 11, P.S- Pupri, Distt.- Sitamarhi.
3. Raghubansh Prasad Verma S/O Late Shyam Narayan Lal R/O Village- Jhajhihat, Ward No. 11, P.S- Pupri, Distt.- Sitamarhi.
4. Veena Prasad W/O Raghubansh Prasad Verma R/O Village- Jhajhihat, Ward No. 11, P.S- Pupri, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhitabh Kumar, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Niraj Kumar, Advocate
		Mr. Lalitesh Mani, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-07-2024 Learned counsel for the informant appeared suo-moto and filed *Vakalatnama* on behalf of the informant in the court, which is accepted and kept on record.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State as well as learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Pupri P.S. Case No. 195 of 2023 dated 05.05.2023 instituted for the offence punishable under Section 341, 323, 448, 384, 506/34 of the Indian Penal Code.



4. The prosecution case, in short, is that the petitioners were constructing hut over the land bearing khata no. 1122, khesara no. 2093, thana no 184 for the purpose of grabbing land. It is alleged that the said land was purchased by the informant from one Ujjwal Prakash Verma on 02.07.2021. On 02.04.2023, the petitioners were making construction of hut. On objection made by the informant, the petitioners threatened and told the informant that the lands belongs to them.

5. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the petitioner no. 3 is the retired professor and petitioner no. 4 is the retired A.D.M. There is a civil dispute between the parties. Learned counsel for the petitioners submits that petitioner no. 3 has filed Title Suit No. 199 of 2021 and Title Suit No. 129 of 2023 before the Court of Sub-Judge-1st, Pupri, Sitamarhi against the informant and others, which is pending for final adjudication. Lastly, it has been submitted that petitioners have six criminal cases against them.

6. On the other hand, learned A.P.P. for the State as well as learned counsel for the informant has vehemently opposed the prayer for anticipatory bail of the petitioners.



7. 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 Pupri P.S. Case No. 195 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 Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or their wives.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and



thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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