

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43631 of 2024

Arising Out of PS. Case No.-523 Year-2023 Thana- PHULPARAS District- Madhubani

1. BABOOJEE JHA @ BABUJI JHA SON OF LATE LALA JHA VILLAGE-
SISWAR, PS- PHULPARAS, DIST- MADHUBANI
2. RAJENDRA DAS SON OF GANESHI DAS VILLAGE- SISWAR, PS-
PHULPARAS, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Pramod Mishra, Advocate
For the State	:	Mr. Bharat Lal, APP
For the Informant	:	Mr. Pranav Kumar, Advocate
		Mr. Rajeev Ranjan No.-II, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-07-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 419, 420 341, 323 and 504 of the Indian Penal Code.

3. As per prosecution case, these petitioners are alleged to have illegally leased the property of the informant.

4. It is submitted by learned counsel appearing on behalf of the petitioners that Petitioner No. 1 and informant are full brothers and there is admitted land dispute regarding partition of property which is going on since the lifetime of their fathers. As a matter of fact, the land in question, which is



described in the F.I.R., is joint family property and came into the share of father of Petitioner No. 1 and jamabandi bearing Jamabandi No. 1106 is running in the name of father of Petitioner No. 1 and a first appeal bearing F.A. No. 504 of 1978 is pending for consideration before this Hon'ble Court. It is further submitted that from bare perusal of the F.I.R. it is apparent that dispute between the parties is purely civil in nature and none of the acts allegedly committed by these petitioners would give rise to any criminal liability.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the aforesaid facts and circumstances and nature of dispute between the parties, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners 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 learned A.C.J.M.-II, Jhanjharpur, District- Madhubani, in connection with Phulparas P.S. Case No. 523 of 2023, subject to condition as laid down



under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

