

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42437 of 2024

Arising Out of PS. Case No.-636 Year-2023 Thana- TAJPUR District- Samastipur

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1. SURESH DAS SON OF LATE PANCHU DAS @ LATE PACHU DAS VILLAGE- KAIJIYA VISHNUPUR, P.S.- WAINI O.P. TAJPUR, DISTT.- SAMASTIPUR
 2. MANJAY LAL KUMAR SON OF LALAN DAS VILLAGE- WAINI, P.S.- WAINI O.P. TAJPUR, DISTT.- SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. RAVINDRA KUMAR MISHRA SON OF LATE BHOLA MISHRA VILLAGE- KAIJIYA VISHNUPUR, P.S.- WAINI O.P. TAJPUR, DISTT.- SAMASTIPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad, Adv.
For the O.P. No. 2	:	Mr. Dilip Kumar Roy, Adv.
For the State	:	Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Tajpur (Waini O.P.) P.S Case No. 636 of 2023 dated 31.10.2023 registered for the offence punishable u/s 323, 341, 379, 420, 466, 467, 468, 471, 120B, and 469 of the Indian Penal Code.

3. As per the prosecution case, the petitioners are alleged to have cut the soil from the land of the complainant



bearing Khata No. 581, Khesra No. 461 areas 7 decimal due to which the complainant was put at loss of Rs. 5,00,000/-. On being objected, the petitioners started abusing him and the co-accused, Ramshreshth Pandit said that the he has purchased the land through a sale deed from one co-accused *Suresh Das* in the name of the co-accused, Mithilesh Devi on 11.04.2023.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. it is stated that there is land dispute between the parties. It is further submitted that the land in question is purchased land of the father of the petitioner no. 1. He had purchased the same vide Sale Deed No. 12455 dated 05.08.1960 and thereafter, he came in possession and after death of his father, the petitioner no. 1 inherited his property. The petitioner no. 2 is concerned, he is the witness of the sale deed. It is further submitted that it is a case of civil nature. The petitioners have no concern with the alleged offence. The co-accused persons have already been granted anticipatory bail by this court vide order dated 23.05.2024 passed in Cr. Misc. No. 30157 of 2024. The petitioner no. 1 has one criminal antecedent whereas the petitioner no. 2 has no criminal antecedent as stated in para 3 of the bail petition.



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

6. Considering the aforesaid facts and circumstances of the case, as well as the nature of allegation levelled against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Samastipur in connection with Tajpur (Waini O.P.) P.S. Case No. 636 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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