

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49766 of 2024**

Arising Out of PS. Case No.-171 Year-2023 Thana- BARAHAT District- Banka

Nakul Thakur, son of Lt. Paltan Thakur, Resident of Village- Bhusia PS-  
Rajoun Dist- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Chaudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      27-09-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Baharat P.S. Case No. 171 of 2023 registered for the offences punishable under Sections 420, 467, 468, 385, 387, 34 of the Indian Penal Code.

3. Learned counsel for the petitioner has submitted that although in the impugned order, it is stated that “there is three criminal antecedents found against the petitioner no. 1 & there is one criminal antecedent found against the petitioner no. 2 under paragraph 56 of the case diary. ...”, it would appear from the opening paragraph of the impugned order that this application was filed only on behalf Nakul Thakur who is petitioner before this Court. There was no occasion for the learned court below to mention the criminal antecedent of



petitioner no. 1 and petitioner no. 2 as it was not a case filed by two persons. This is an error of record and he has stated in paragraph '3' of his application before this Court that the petitioner has no criminal antecedent.

4. As per the prosecution story, the informant's parent had purchased a land bearing Khata No. 694, Khesra No. 3586, 3588 and Rakva no. 161 decimal. This petitioner had made forged documents of the said land in the year 2013 and he along with other anti-social elements had occupied the said land and every year they used to cut the crops and used to stop the Molidar of the informant from doing farming. It is further alleged that when the informant used to go to the field to do farming, Ranjan Yadav, Lakhan Yadav, Badri Yadav and other unknown persons having arms start demanding Rs.10 lakh as extortion.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to land dispute. It is submitted that there is no specific allegation of any overt act against this petitioner.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Having regard to the submission that the FIR itself



discloses that it is a case of land dispute, the petitioner is not specifically named in the FIR and no overt act has been alleged against him, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Barahat P.S. Case No. 171 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Banka, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. 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 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.

9. This application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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