

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57778 of 2024

Arising Out of PS. Case No.-312 Year-2023 Thana- GAYA MUFASIL District- Gaya

UPENDRA PRASAD @ UPENDRA YADAV S/O KARU YADAV R/O
VILLAGE- SALEMPUR, P.S- MUFFASIL, DIST.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Subodh Kumar Barnwal
for the informant	:	Mr. Amritanshu Dangi, Adv.
		Mr. Aditya Ranjan, Adv.
For the Opposite Party/s :		Mr.Ram Sevak Choudhary

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-08-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Gaya Muffasil P.S. Case No. 312 of 2023 dated 13.03.2023 registered for the offences punishable u/ss 467, 468, 471, 420, 427, 385, 383, 387 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have demolished the boundary wall of the informant's land which was purchased from Tetri Khatoon and her six sons in the name of his wife Usha Devi through the registered sale deed. They also demanded Rs. 10



lakhs as *rangdari*. It is further alleged that Upendra Prasad (petitioner) and Kundan Kumar Singh sold the aforesaid land by making forged illegal deed with the help of Muslim Ansari, Fekni Khatoon, Irshad Ansari and Shaidu Khatoon.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case due to land dispute. It is further submitted that the petitioner is a bonafide claimant of the land in question and same has been acquired by the petitioner from one Md. Muslim Ansari by virtue of registered deed of sale executed on 23.09.2021 by deed No. 18285 dated 24.09.2021 (at Annexure-2) . After purchasing of the said land, the petitioner went on his land then the informant made objection and since then the animosity was developed between the parties and the informant lodged the present case against the petitioner. It is further submitted that it is a case of civil nature. Learned counsel has further submitted that the petitioner has no concern with the alleged offence. The petitioner has three criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 15.04.2024.

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



petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gaya in connection with Gaya Mufassil P.S. Case No. 312 of 2023 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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