

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55691 of 2024

Arising Out of PS. Case No.-515 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Sunil Kumar @ Sunil Yadav S/o Late Milan Yadav R/o vill - Ghuiya, P.S. -
Magadh Medical, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-09-2024 1. Heard learned Senior counsel for the petitioner and
learned A.P.P. for the State Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 147, 148,
149, 341, 323, 385, 387, 506, 504 of the Indian Penal Code &
Section 27 of the Arms Act.
3. Learned Senior counsel for the petitioner submits
that petitioner has antecedent of four cases and the informant
alleges that his brother had gone to purchase a vehicle of
Mahindra make from the showroom, where he met Kaushik
(salesman), who disclosed about a land, which was for sale,
accordingly, his brother got the land inquired from his
acquaintance Ajit, and thereafter, an agreement for sale was



entered, further when his brother was getting the boundary constructed over the land in question, when petitioner along with named accused persons came and abused and assaulted the labourer and drove them away from the land on the ground that land belongs to him and demanded an extortion of Rs.20 lacs, further, there was a panchayati, in which, it was agreed that the money would be returned to his brother, accordingly, his brother went to the place of occurrence to receive the money, as agreed in the panchayati, but instead of returning the money, he was threatened and Subodh, who had accompanied him was assaulted.

4. The learned Senior counsel submits that the petitioner has been falsely implicated in the instant case by the informant. It is next submitted that the land in question belongs to the petitioner and he is the owner of the land, as such, there is no question of demanding extortion of Rs.20 lacs. It is next submitted that only an agreement for sale was executed, as alleged in the F.I.R., but then the sale deed was not executed and in absence of sale deed, the informant was getting the boundary wall constructed, which was objected, thereafter, the instant false F.I.R. came to be instituted.

5. Learned A.P.P. Mr. Chandra Bhushan Prasad



opposes the prayer for anticipatory bail of the petitioner and submits that though a plea has been taken that the land belongs to the petitioner but no documentary evidence has been brought on record to substantiate the said plea. It is further submitted that petitioner has four antecedent and in the event if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond or tamper with the evidence, on which, the learned Senior counsel for the petitioner submits that the petitioner will not abscond rather will co-operate in the investigation to prove his innocence, based on the documentary evidence, to show that the land in question belongs to him.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with NMCH P.S. Casse No.515/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner shall be



his brother, namely, Tarkeshwar Yadav.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation or is not presenting himself as and when required, in that event the learned trial court shall be at liberty to cancel the bail bond of the petitioner forthwith.

9. Let a copy of this order be sent to the concerned P.S. through the learned trial court.

(Satyavrat Verma, J)

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