

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64818 of 2024

Arising Out of PS. Case No.-358 Year-2023 Thana- ALAMNAGAR District- Madhepura

1. Wakil Chaudhary @ Ramesh Chaudhary, S/O Late Darweshari Chaudhary @ Late Darweshwari Chaudhary, R/O Village- Bajraha, Ward No. 05, P.S- Alamnagar, District- Madhepura
2. Anita Devi, W/O Wakil Chaudhary @ Ramesh Chaudhary, R/O Village- Bajraha, Ward No. 05, P.S.- Alamnagar, District- Madhepura
3. Dilkhush Chaudhary @ Dirlash Chaudhary, S/O Wakil Chaudhary @ Ramesh Chaudhary, R/O Village- Bajraha, Ward No. 05, P.S- Alamnagar, District- Madhepura
4. Angrej Chaudhary, S/O Wakil Chaudhary @ Ramesh Chaudhary, R/O Village- Bajraha, Ward No. 05, P.S- Alamnagar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-10-2024 Heard Mr. Viveka Nandsingh, learned counsel appearing on behalf of the petitioners and Mr. Shailendra Kumar, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Alamnagar P.S. Case No.358 of 2023 registered under Sections 341, 323, 327, 379, 384, 385, 504, 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioners trespassed the purchased land of the informant and to vacate the same, they demanded a sum of Rs.7 lakhs.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. Learned counsel further submitted that the dispute between the parties is purely civil in nature, as would appear from the FIR and the petitioners have not demanded any money. The petitioners are in peaceful possession of their land and have not encroached any land belonging to the informant. The petitioners are residing peacefully on the land, much before the execution of the sale deed, in favour of the informant by some other executant. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rivals submissions made on behalf of the parties, as well as, the fact that the dispute is purely civil in nature, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate-Ist Class, Uda Kishunganj, Madhepura in connection with Alamnagar P.S. Case No.358 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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