

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67050 of 2023

Arising Out of PS. Case No.-183 Year-2023 Thana- MAHUA District- Vaishali

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1. Rakesh Kumar @ Rakesh Kumar Raushan S/O Late Braj Nandan Prasad R/O Village- Gauspur Chak Majahid, P.S- Mahua, Distt.- Vaishali.
 2. Avinash Kumar S/O Late Braj Nandan Prasad R/O Village- Gauspur Chak Majahid, P.S- Mahua, Distt.- Vaishali.
 3. Mukesh Kumar S/O Late Braj Nandan Prasad R/O Village- Gauspur Chak Majahid, P.S- Mahua, Distt.- Vaishali.

... .. Petitioners

Versus

1. The State of Bihar
2. Pankaj Kumar, Male, son of Suresh Prasad Singh, resident of village Gauspur Chak Majahid, Police Station Mahua, District Vaishali

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr.Nachiketa Jha, Advocate
For the State	:	Mr.Shyameshwar Dayal, Addl Public Prosecutor
For opposite party no.2	:	Mr. Dilip Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 25-06-2024 Heard learned counsel for the petitioners, the State and opposite party no.2.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 420, 468/34 of the Indian Penal Code.

3. As per the prosecution case, on 26.2.2023 when opposite party no.2 tried to construct a house on the piece of land bearing Khata No:-215, Khesra No:-605,607,609, total area 61 Decimal, which was purchased by his grandfather, namely, Late Parasuram Singh, in Mauza:- Mahua Mukundpur, in Thana No:-294, these petitioners restrained them to construct the house on the said piece of land. On verification from the Circle Office Mahua, opposite party no.2 knew that these petitioners have got



mutated the said land in their name mentioning that said Parasuram Singh was child less.

4. It is submitted on behalf of the petitioners that the dispute is purely of civil nature for which title suit is already pending between the parties. Moreover, F.I.R. has been lodged after inordinate delay of one month without any explanation which renders the entire prosecution case doubtful.

5. Learned counsel for the State as well as the opposite party no.2 oppose the prayer for bail.

6. Considering the nature of dispute, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within six weeks from today, let these petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st class, Vaishali at Hajipur in Mahua Police Station Case No. 183 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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