

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68968 of 2024

Arising Out of PS. Case No.-14 Year-2023 Thana- CHAUSA District- Madhepura

Shalendra Muni @ Shailendra Muni S/O Bhagirath Muni Resident of Village-
Tinmuhi, Panchayat Chirauri, O.P. Falaut, P.S- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 16-12-2024 Heard learned counsel for the petitioner as well as the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Chousa (Fulout O.P.) P.S. Case No. 14 of 2023, registered for the offences punishable under Sections 323, 384, 420, 120(B), 467, 468, 471, 474, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the accused persons in collusion with each other were engaged in illegal act of sale and purchase of the land and in that course, the accused persons illegally and unauthorizedly were cutting soil from the land of the informant. It is also alleged that when the complainant protested, the accused persons showing forged and fabricated



agreement, claimed their title. The complainant made complaint to the concerned police station but no action whatsoever was taken. The accused persons being a professional in the illegal act aforesaid, created forged and fabricated document.

4. Learned counsel for the petitioner has submitted that the complainant claims herself to be vendee from power of attorney holder of the original raiyat. From the FIR itself, it transpires that the complainant admitted the fact that petitioner was excavating soil from the land, in dispute, since the year 2017 but no resistance was made by the complainant. He has submitted further that already a title suit is pending between the parties. It is nothing but a civil dispute. It is next submitted that the other co-accused has already been granted bail by this Court vide order dated 20.02.2024 passed in Cr. Misc. No. 8554 of 2024.

5. Learned APP for the State has vehemently opposed the prayer of bail.

6. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released 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 learned S.D.J.M., Udakishunganj, Madhepura in connection with Chousa (Fulout O.P.) P.S. Case No. 14 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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