

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73645 of 2024

Arising Out of PS. Case No.-1169 Year-2021 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Mahanth Singh S/o- Late Sunar Singh R/o - Dhadhawa, P.S - Lauriya, District - West Champaran
 2. Ram Chandra Singh Son of Late Sunar Singh R/o - Dhadhawa, P.S - Lauriya, District - West Champaran
 3. Arbind Singh Son of Ram Chandra Singh R/o - Dhadhawa, P.S - Lauriya, District - West Champaran
 4. Arjun Singh @ Arjun Kumar S/o- Ram Chandra Singh R/o - Dhadhawa, P.S - Lauriya, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Monoj Sah S/o- Kanti Sah Village- Dhadhawa Ps-Lauriya Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Gauri Shankar Thakur, Adv.
For the Opposite Party/s :	Mr. Rajendra Nath Jha, APP.
	Mr. Bimlesh Kumar Pandey, Adv.
	Mr. Manoj Kumar, adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-10-2024 Heard learned counsel for the petitioners, learned A.P.P.
for the State and learned counsel for the complainant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 323, 324, 420, 406, 467, 468, 385, 386, 387, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, due to land dispute, the petitioners are said to have demanded *rangdari* from the complainant. On protest, petitioner nos. 3 & 4 started firing upon the complainant and one



Ram Bahadur Sah. As a result, due to fear, the complainant gave Rs. 4,000/- to the petitioners with an assurance to deliver the rest amount very soon.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. There is admitted land dispute between the parties and the present case has been filed only with a view to grab the land in question. Learned counsel further submits that the petitioners had been summoned to face trial for the offences under Sections 341, 504, 384 and 386 of the Indian Penal Code in a complaint case, which is proceeded on protest petition and the learned Court below dismissed the complaint under Section 203 of the Code of Criminal Procedure against which a Revision Case No. 66 of 2023 was preferred and allowed. Thereafter, the learned Court below summoned the petitioners, therefore, the petitioners have preferred the present case apprehending their arrest in non-bailable and cognizable offence. Learned counsel further submits that there is civil dispute between the parties. Petitioners have no criminal antecedent as mentioned in para-3



of this application.

5. Learned APP for the State as well as learned counsel for the complainant opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is civil dispute between the parties, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Complaint Case No.1169(C) of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Petitioners are directed to cooperate in the trial. If the petitioners fail to appear before the learned Court below on two consecutive dates fixed in the case, the prosecution will be at liberty to file an application for cancellation of bail bond of the petitioners before the learned Court below.

(Anjani Kumar Sharan, J)

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