

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77649 of 2023

Arising Out of PS. Case No.-71 Year-2022 Thana- SHASTRINAGAR District- Patna

1. MOST. SONA DEVI Wife of Late Lal Babu Kapariya R/o Kapariya Tola, Brahmsthan Road, P.S. - Shastrinagar, Distt. - Patna
2. SMT. ASHA DEVI Wife of Hira Lal Kapariya R/o Kapariya Tola, Brahmsthan Road, P.S. - Shastrinagar, Distt. - Patna
3. MANJU DEVI Wife of Rajesh Kapariya R/o Kapariya Tola, Brahmsthan Road, P.S. - Shastrinagar, Distt. - Patna
4. RAMESH KAPARIYA Son of Late Lal Babu Kapariya R/o Kapariya Tola, Brahmsthan Road, P.S. - Shastrinagar, Distt. - Patna
5. HIRA LAL KAPARIYA Son of Late Jamuni Kapariya R/o Kapariya Tola, Brahmsthan Road, P.S. - Shastrinagar, Distt. - Patna
6. TINKU KAPARIYA @ SIDDHARTH KUMAR Son of Hira Lal Kapariya R/o Kapariya Tola, Brahmsthan Road, P.S. - Shastrinagar, Distt. - Patna
7. JITENDRA KAPARIYA @ JITENDRA KUMAR KAPARIYA Son of Late Mohan Lal Kapariya R/o Kapariya Tola, Brahmsthan Road, P.S. - Shastrinagar, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. SUNIL KUMAR SINGH Son of Lal Bihari Singh R/o vill - Bardahi, P.S. - Babu Barahi, Distt. - Madhubani, At present Flat No. 104, Pandey Residency, Surya Vihar, Abhiyanta Nagar, Z Sector, P.S. - Rajivnagar, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shanker Pankaj, Advocate
For the State	:	Mr. Umeshanand Pandit, A.P.P.
For the O.P. No. 2	:	Mr. Rajendra Prasad, Sr. Advocate
		Mr. Ritesh Kumar, Advocate
		Mr. Pramod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioners, opposite party No. 2 and Mr. Umeshanand Pandit, learned A.P.P. for the State.

2. Petitioners apprehend arrest in a case registered for



the offences punishable under Sections 406, 417, 418, 420, 384, 504, 506, 120(B)/34 of the Indian Penal Code.

3. As per the F.I.R., it is alleged that these petitioners denied to vacate the land of the informant and also demanded Rs. 5 lacs as Rangdari. It is further alleged that when the informant visited that land in question, these petitioners assaulted him due to land dispute.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case only with a view to pressurize them to vacate the land in question. As a matter of fact, the informant has already filed a civil case *vide* Title Suit No. 249 of 2021 against these petitioners which is pending in the court of learned Sub-Judge XIII, Patna for the same purpose.

5. However, learned counsel for the opposite party No. 2 vehemently opposed the bail application and submitted that as per the terms of agreement, the informant purchased 5 kattha land in Mauza Shekhpura, Police Station Shastrinagar, Patna from land owner Dr. Arjun Prasad Saraswati for construction of flat and after consulting, 10 different residents assured that they will vacate the land when the informant gave them house in different area. But two families did not vacate the



land in question and demanded extortion money for the same and when the informant went to the land in question, he was assaulted and threatened with dire consequences.

6. Considering the civil nature of dispute, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, 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 Additional Chief Judicial Magistrate IX, Patna in connection with Shastrinagar P. S. Case No. 71 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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