

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76266 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- KARPURIGRAM District- Samastipur

Surendra Paswan Son of Late Chhotela Paswan Resident of Village-
Bikrampur Bandey, P.S. - Karpurigram, District - Samastipur ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Adv.

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

For the informant : Mr. Nafisuzzoha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2024 Heard Mr. Ajay Kumar, learned counsel for the

petitioner, learned APP for the State and Mr. Nafisuzzoha,

learned counsel appearing for the informant.

2. The petitioner is in judicial custody in connection
with Karpurigram P.S. Case No. 23 of 2024 for the offences
punishable under Sections 420, 467, 468, 471, 385, 379, 120(B)
of the IPC, lodged on 05.03.2024 by the informant, Anzarul
Haque.

3. As per the prosecution story, five *katthas* of land
which belongs to the informant, the petitioner/other accused
persons forged *Khatian* in the name of Bihar Government and
later, armed variously they reached the spot as also demanded
extortion money. The informant being law abiding citizen had
no option but to lodge the FIR.

4. Learned counsel for the petitioner submits that it is
not the case that he will be the beneficiary, the land, allegedly,
has been made in favour of Bihar Government, he has



no role to play in the alleged act, further undertakes that if there is any land related issue, the accused will be knocking the door of Civil Court and will not create any situation on the land in question. The last submission is that he is in custody since 18.08.2024 (para-11 of the petition).

5. Mr. Nafisuzzoha, learned counsel appearing for the informant, on the other hand, submits that the land belongs to this family, they are in peaceful physical possession, only to disturb, the accused persons tried to forge the document in favour of Bihar Government to take its possession. They being law abiding citizens cannot face such criminal persons.

6. Though the allegation is alarming, petitioner has also got criminal antecedent, as narrated by the learned counsel for the petitioner that the civil dispute will be fought before the competent Civil Court, this Court is inclined to extend the relief to the petitioner. However, if it is found that a situation is again being created, the informant shall be free to take appropriate steps in accordance with law.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with



aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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