

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78393 of 2023

Arising Out of PS. Case No.-285 Year-2023 Thana- MUFFASIL District- West Champaran

1. SHIVNATH RAM SON OF MUNESHWAR RAM RESIDENT OF CHHAWNI CHOWK, WARD NO.27, NAGAR NIGAM, P.S. - MUFFASIL (MANUAPUL), DISTRICT - WEST CHAMPARAN
2. SURESH RAM SON OF SHIVNATH RAM RESIDENT OF CHHAWNI CHOWK, WARD NO.27, NAGAR NIGAM, P.S. - MUFFASIL (MANUAPUL), DISTRICT - WEST CHAMPARAN
3. DINESH RAM SON OF SHIVNATH RAM RESIDENT OF CHHAWNI CHOWK, WARD NO.27, NAGAR NIGAM, P.S. - MUFFASIL (MANUAPUL), DISTRICT - WEST CHAMPARAN
4. BINITA DEVI WIFE OF DINESH RAM RESIDENT OF CHHAWNI CHOWK, WARD NO.27, NAGAR NIGAM, P.S. - MUFFASIL (MANUAPUL), DISTRICT - WEST CHAMPARAN
5. PRATIMA DEVI WIFE OF SURESH RAM RESIDENT OF CHHAWNI CHOWK, WARD NO.27, NAGAR NIGAM, P.S. - MUFFASIL (MANUAPUL), DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhagya Narayan Jha
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-01-2024 1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Mufassil (Manuapul) Police Station Case No. 285 of 2023, dated 08.05.2023, disclosing offences punishable under Sections 406/420/467/468/471/120-B/504/506/34 of the Indian Penal Code.



3. The prosecution case, as per the First Information Report, is that a piece of land, bearing Khata No. 184, Khesra No. 469, at mauza Chhawani, Police Station Manuapul, was sold by the petitioner no. 1 in favour of the informant. The allegation is that when the informant went to take possession of the purchased land, the petitioners, along with others, abused and assaulted him.
4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case and the allegation made in the First Information Report does not give rise to the criminal offence; rather, it is a civil dispute. He further submits that the sale deed contains the boundary of the land and the petitioner no 1 is ready to hand over the possession of the land, which has been described in the sale deed, but the informant is demanding a shop situated outside the boundary mentioned in the sale deed, which is being denied by the petitioner no. 1 and accordingly to put pressure upon him, entire family members of the petitioner no. 1 have been made accused in this case.
5. On the other hand, learned Counsel for the informant submits that the petitioner no. 1 is not giving possession



of the land to the informant and in fact, no land is available with the petitioner no. 1 for handing it over to the informant.

- 6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration nature of the allegation made in the First Information Report, I am inclined to grant the petitioners privilege of anticipatory bail.
- 7. This application is, accordingly, allowed.
- 8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, 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 Chief Judicial Magistrate, West Champaran, at Bettiah, in connection with Mufassil (Manuapul) Police Station Case No. 285 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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