

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79266 of 2023

Arising Out of PS. Case No.-487 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

Surenbra Kumar Singh S/o Late Ram Nath Singh R/o Village- Mahuat, P.S-
Sonahan, Distt.- Kaimur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Bhabua (Sonhan) P.S. Case No. 487 of 2021 registered for the offences punishable under Sections 341, 323, 504 and 34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 25.08.2021 this petitioner and other accused persons tried to forcibly capture the land of the informant and when the informant objected, they started abusing her and when his son went there, he was assaulted. It is alleged that when the informant went there to save his son, all the accused persons started assaulting her. This petitioner is alleged to have assaulted her by pulling her hair and



kicked her on her abdomen due to which she became unconscious.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the informant in this case is the *bhabhi* of the petitioner. This petitioner has retired on 28.02.2021 as Block Development Agriculture Officer from Sasaram and after his retirement when he went to his native village and claimed his share in the ancestral property, the co-sharers were not ready to give him an inch of the land.

5. Learned counsel submits that in order to harass the petitioner and deprive him of his ancestral land, the co-sharer of the petitioner has lodged this false case. The date of occurrence is 25.08.2021 whereas information has been given to the Police on 10.09.2021 after a delay of fifteen days.

6. Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case, the fact that it is a case between two co-sharers and the genesis of this case is a land dispute, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Bhabua (Sonhan)



P.S. Case No. 487 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur, Bhabua subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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