

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80512 of 2024

Arising Out of PS. Case No.-392 Year-2024 Thana- SULTANGANJ District- Bhagalpur

1. Chandrika Yadav Son of Late Chamaklall Yadav Resident of Village- Shivnandanpur, P.S.- Sultanganj, Distt.- Bhagalpur
2. Vijay Pathak Son of Suraynarayan Pathak Resident of Village- Shivnandanpur, P.S.- Sultanganj, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar
For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-12-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Sultanganj Police Station Case No. 393 of 2024, dated 21.08.2024, disclosing offences punishable under Sections 126(2)/115(2)/308(4)/3(5) of the Bhartiya Nyaya Sanhita, 2023.
3. The prosecution case, as per the First Information Report, is that a piece of land, situated in khata no. 15 (old)/29 (new) having plot nos. 557 (old)/801/802 (new), fell in the share of the informant in the family partition. On 20.08.2024 at about 4 PM, the informant came to know



that the petitioners, along with other co-accused persons, were erecting boundary around the land in question and when prevented by the informant, they started abusing and assaulting the informant and the petitioner no. 1 pulled out a pistol from his waist and on the point of pistol, demanded a sum of Rs. 25 lakhs and after payment of Rs. 10,000/- by the informant, he was allowed to go from the place of occurrence, threatened to pay the rest amount.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute. Referring to Annexure-2, which is a sale deed, learned Counsel submits that the land, in question, was sold by the father of the informant in favour of the uncle of petitioner no. 2 through registered sale deed in the year 2001. The informant has filed a suit challenging the sale deed, bearing title Suit No. 454 of 2018, which is still pending, in which the uncle of the petitioner no. 2 is the defendant. The allegation made in the First Information Report is false and concocted and the petitioner no. 1 is aged about 69 years. The antecedent, which has been stated in paragraph 3 of this application,



relates to land dispute between the petitioner no. 1 and his family members.

- 5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation and the fact that title suit is pending between the parties for the land, in question, I am inclined to grant the petitioners privilege of anticipatory bail.
- 6. This application is, accordingly, allowed.
- 7. 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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Bhagalpur, in connection with Sultanganj Police Station Case No. 392 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

