

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.86189 of 2023**

Arising Out of PS. Case No.-521 Year-2022 Thana- FATEHPUR District- Gaya

1. Surendra Kumar, Son Of Arjun Prasad, R/O Village- Navela, P.S.- Fatehpur, District- Gaya
2. Dwarika Prasad @ Lakhan Prasad, Son Of Late Mangru Prasad, R/O Village- Navela, P.S.- Fatehpur, District- Gaya
3. Baleshwar Prasad @ Baleshwar Prasad Yadav, Son Of Late Mangru Prasad, R/O Village- Navela, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shyamal Krishna Sinha, Advocate  
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      24-01-2024                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Fatehpur P.S. Case No. 521 of 2022, registered on 22.08.2022 for the offences under Sections 147, 341, 323, 325, 379, 354(A), 504 and 506 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons, who were variously armed, came to the house of the informant and assaulted his son, brother-in-law and his wife. They also took away cash, five bags of cement and a bundle of rods. They also damaged the house of the informant. The informant has further alleged that these miscreants were demanding extortion amount of Rs. 2,00,000/- for allowing him to



construct his house.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. All the offences mentioned in the FIR are bailable except Sections 379, 354(A) of IPC, which are merely ornamental. Learned counsel further submits that there is no specific allegation against the petitioners. There is land dispute between the parties, who belong to the same family. Prior to registration of this case, proceeding under Section 144 of Cr.P.C. was started and the same was decided in favour of the petitioners. Title Suit No. 532 of 2022 was also filed by one of the petitioners, namely, Dwarika Mahto and others against the informant which is pending in Civil Court, Gaya. The present FIR as well FIR No. 340 of 2022 have been registered against these petitioners in order to pressurize them to withdraw the title suit. The petitioners were not aware about the case and they came to know about it when police started visiting their house. Petitioner nos.1 and 2 have been made accused by the same informant in another case i.e., Fatehpur P.S. Case No. 340 of 2022 and petitioner no.3 is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioners and also



considering the possibility of false implication in the background of land dispute, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gaya/concerned court in connection with Fatehpur P.S. Case No. 521 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

**(Arun Kumar Jha, J)**

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