

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85049 of 2023

Arising Out of PS. Case No.-121 Year-2019 Thana- AGIAON BAZAR District- Bhojpur

1. Chandra Bhushan Singh Son Of Late Ram Pyar Singh Resident Of Village- Lahthan, Police Station Agiaon Bazar District Bhojpur
2. Brajesh Kumar Singh @TANTAN @BRAJESH Kumar Pritam Son Of Chandra Bhushan Singh Resident Of Village- Lahthan, Police Station Agiaon Bazar District Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-01-2024 Heard Mr. Anil Kumar Singh, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Agiaon Bazar P.S. Case No. 121 of 2019, registered for the offences punishable under Sections 379 and 327 of the Indian Penal Code.

3. The FIR is based on the written report of the informant, alleging therein, that he lives in Dhanbad and owns a land, pertaining to Khata No. 30, Khesra No. 4085 and Khata No. 20 and Khesra No. 4086, which is a purchased land of his mother. On 27.05.2019, he came to know that all the accused



persons, including the petitioners, along with 8-10 unknown persons, came at the brick kiln, situated over the aforementioned land, and took away 15000 bricks, from a tractor stealthily.

4. It is submitted on behalf of the petitioners that allegedly, the occurrence took place on 27.05.2019, the information of which was given to the informant by one of his villager, namely, Surendra Singh and thereupon, he came to his village on 26.06.2019, but the FIR has been instituted on 19.08.2019, without any explanation of delay. Further submissions has been made that there is a partition suit pending between the petitioner no.1 and the informant, bearing Title Partition Suit No. 55 of 2017, with regard to the land, in question, over which the brick kiln was constructed. It is next submitted that in fact the present case is nothing but instituted only in order to wreck vengeance and to put pressure upon the petitioners, with a view to compromise the partition suit. He lastly submits at the bar that, till date, the investigation is still in process and as they have been residing in State of Jharkhand, they were not knowing the factum of the institution of the present case.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the



present application has been filed belatedly after four years.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the pendency of title partition suit and the delay in lodging of the FIR, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Agiaon Bazar P.S. Case No. 121 of 2019, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

