

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5486 of 2024

Arising Out of PS. Case No.-348 Year-2023 Thana- SONEPUR District- Saran

-
1. Bishun Dev Bhagat @ Bishunadev Prasad Chaurasiya S/O Late Laxmi Bhagat R/O Village- Chausiya, P.S- Sonpur (P.O.P), Distt.- Saran.
 2. Sunil Kumar Bhagat @ Sunil Kumar S/O Bishun Dev Bhagat @ Bishunadev Prasad Chaurasiya R/O Village- Chausiya, P.S- Sonpur (P.O.P), Distt.- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Pannalal Singh S/O Late Nathuni Lal Singh R/O Village- Kharika, P.S- Sonpur (p.o.p), Distt.- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Jha, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners; learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Sonpur P.S. Case No. 348 of 2023 dated 14.05.2023, instituted for the offence punishable under Sections 341, 323, 384, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that informant Pannalal Singh got registered 33 decimals of land appertaining



to Khata No. 76, Plot No. 1579 and mutation is also in his name. It is alleged that Bishundev Bhagat and Sunil Kumar Bhagat ploughed the land forcibly. On protest, they demanded Rs. 10,00000/- and threatened to kill his entire family.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is a serious dispute between the parties with regard to land which was sold on 20.10.1967 by three brothers of the petitioner no. 1. It is further submitted that the said land of which deed was executed in the year 1967 was ancestral land of the petitioners. Petitioner no. 1 has not executed any sale deed with regard to his share, so he has been falsely implicated in this case. Petitioner no. 2 is the son of petitioner no. 1. It is further stated that there is a dispute with regard to possession of the share of the petitioner and that's why the said case has been lodged on the basis of sale deed dated 20.10.1967. Lastly, it has been submitted that the petitioners have two criminal cases against them.

5. Learned A.P.P. and learned counsel for the informant vehemently opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Sonpur P.S. Case No. 348 of 2023, they shall be released on anticipatory bail 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, Saran at Chapra, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(Khatim Reza, J)

sankalp/-

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

