

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1752 of 2024

Arising Out of PS. Case No.-516 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rajnikant Kumar @ Rajnikant Singh Son of Bipin Kumar Singh R/o vill -
Dumari Road near Vikash Vidyalaya, ward no. 17, P.S. - Muffasil, Distt. -
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Begusarai Muffasil (Singhaul OP) P.S. Case No.516 of 2023,
lodged on 05.09.2023, under Sections 341/323/386/379/ 427 /
504/506/34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
three named and 7-8 unknown accused persons against whom
there is allegation that a piece of land which was in the
possession of the informant's family on which the accused
persons entered with the criminals and committed alleged
offence, for which the present FIR has been lodged.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the said land admittedly belongs to one Shiv Shankar Sah and family, which was forcefully taken by the informant-side. Counsel submits that the said Shiv Shankar Sah has filed a Jamabandi Cancellation Case No.82 of 2014-15 in which Jamabandi was cancelled in favour of Shiv Shankar Sah and thereafter the petitioner-side. Counsel submits that the petitioner has entered into an agreement for sale of the said land which is annexed as Annexure-P/3. The date of the execution of the deed is 01.09.2023. Counsel submits that upon getting information that the owner of the land has executed deed in favour of the petitioner, the informant side started forcefully construction on the said land which has been opposed by the petitioner and only due to this reason the present case has been instituted.

5. Counsel further submits that the antecedent of the petitioner is not clear and only due to this reason his bail has been rejected by the trial-Court otherwise it is a case of land dispute and for the said land there is lawful document in favour of the petitioner. Counsel submits that petitioner is in custody since 27.09.2023. There are 11 criminal cases pending against



the petitioner and he is on bail in all cases. Counsel for the petitioner also takes this plea that the date of occurrence is 02.09.2023 whereas FIR has been lodged on 05.09.2023 with delay of about three days but such delay has not been explained by the informant.

5. Learned counsel for the State opposes the prayer for bail but submits that there is an agreement for sale (Mahdanama) in favour of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after producing the certificate that he is not absconding in any criminal case** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Begusarai Muffasil (Singhaul O.P.) P.S. Case No.516 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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