

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3535 of 2024

Arising Out of PS. Case No.-73 Year-2017 Thana- SARAI District- Vaishali

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1. Manoj Kumar S/o- Late Ram Sumiran Singh Village- Sarao. PS- Sarai, District
 2. Shambhu Singh Late Kedar Singh Village- Sarao. PS- Sarai, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinita Singh Navin Kumar Village- Sarai. PS- Sarai, District

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishwa Mohan Kunar Sinha, Advocate
		Mr. Pankaj Sinha, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. In the present case, the petitioners are apprehending arrest in connection with Complaint Case No. 127 of 2018, lodged on 27.05.2017 for the offences under Sections 323 and 354 of the Indian Penal Code.

3. As per prosecution case, in the background of land dispute, the petitioners and other co-accused persons assaulted the complainant and her family members when the complainant opposed their act of filling water for hatching fish in a ditch over the land of the complainant.



4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioner no.1 and husband of the complainant are full brothers and petitioner no.2 is an agnate. It is further submitted that partition suit bearing Partition Case No. 159 of 2008 has been filed by the petitioners which is pending before the Court of learned Sub-Judge-VII, Hajipur, Vaishali. In the admitted background of land dispute, this false complaint case has been lodged by the complainant to harass the petitioners. The petitioners are having criminal antecedent, but all the cases have been lodged either by the complainant or her husband. It is further submitted that similarly situated co-accused persons namely Balmukund Singh and Rajan Singh have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 06.12.2023, passed in Cr. Misc. No. 77021 of 2023. It is further submitted that initially the complainant has filed a delayed FIR, in which closure report was submitted by the police and thereafter on protest petition, the present complaint case has been registered.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances



and submissions made on behalf of the parties and considering the possibility of false implication in the background of long standing dispute, let the petitioners above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Hajipur/concerned court in connection with Protest-cum-Complaint Case No. 127 of 2018, subject to the condition 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)

Amrendra/-

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