

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3219 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- BIHTA District- Patna

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1. Pramod Kumar S/o Mahesh Rai R/o Village- Madhupur PS Bihta District Patna
 2. Chintu Kumar S/o- Suresh Singh R/o Village- Rajpur, P.S. Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Siddharth Harsh
For the Opposite Party/s :	Dr. Indihar Kumari
	Mr. Prabhat Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-02-2024 1. Heard learned counsel for the petitioners,

learned counsel for the informant and learned APP for the

State.

2. The petitioners seek bail in anticipation of their

arrest in a case registered for the offences punishable under

Sections 147, 148, 149, 384, 386, 506, 406 and 420 of the

Indian Penal Code.

3. The learned counsel for the petitioners submits

that the petitioner no.2 is a person with clean antecedent

and petitioner no.1 has antecedent of one case in which he is

on bail. It is next submitted that from bare perusal of the



allegation as alleged in the F.I.R., it would manifest that a purely dispute has been given a criminal colour. It is next submitted that in sum and substance, the allegation against the petitioners in the F.I.R. is that during pendency of Title Partition No.337 of 2016, Anil Kumar, Pravind Kumar and Arbind Kumar in breach of the order of injunction executed a sale deed, on which petitioner no.2 is a witness.

4. It is next submitted that even presuming what has been alleged is true without admitting, then the informant had remedy of approaching the learned Civil Court by filing an application under order 39 Rule-2A of the C.P.C. for initiating a proceeding of contempt against the accused persons/petitioners, herein, for breaching the order of injunction, but instead of resorting to the remedy available in law to the informant, a criminal case has been instituted in order to coerce the petitioners into submission. The learned counsel for the petitioners submits that as far as petitioner no.1 is concerned, neither he has executed the sale deed, nor he is a witness on the sale deed.

5. Learned A.P.P. along with learned counsel for



the informant opposes the anticipatory bail application, but are not in a position to rebut the submission of the learned counsel for the petitioners that the dispute is purely civil to which a criminal colour has been given and informant had remedy of approaching the learned Civil Court in its contempt jurisdiction.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1, Danapur, Patna in connection with Bihta (Neora) P. S. Case No.109 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed. .

(Satyavrat Verma, J)

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