

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.298 of 2024

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

Ajab Lal Rai S/o Ram Ishwar Rai R/o Village- Madhupur, P.S.- Bihta,
District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 17-05-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his 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. Learned counsel for the petitioner submits that the petitioner has antecedent of six cases and has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that a purely civil dispute has been given a criminal colour. It is further submitted that, in sum and substance, the allegation as alleged in the FIR is that Anil Kumar, Pravind Kumar and Arbind Kumar, during pendency of



Partition Case No. 337 of 2016, executed sale deed with respect to the land in breach of the order of injunction and the petitioner is alleged to be a witness on the sale deed. It is further 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 XXXIX Rule 2A of the Code of Civil Procedure for initiating a proceeding of contempt against the accused persons for breaching the order of injunction, but instead of resorting to the remedies available in law to the informant, a criminal case has been instituted in order to coerce the accused persons into submission. It is further submitted that petitioner is merely a witness on the sale deed.

4. Learned A.P.P. for the State along with learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner, but are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the dispute is purely civil to which a criminal colour has been given and the informant had the remedy of approaching the learned Civil Court in its contempt jurisdiction.

5. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bihta (Neora) P.S. Case No. 109 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. Accordingly, the present anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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