

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74319 of 2024

Arising Out of PS. Case No.-229 Year-2024 Thana- MUFFASIL District- Aurangabad

Binod Prasad Son of Kamla Prasad R/o - Karna Road, Ramnagar, P.S -
Mufassil, District - Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kamla Prasad S/O- Late Ramjatan Ram R/V- Bandhwa, P.O.- Barka Gawan,
P.S.- Tarari, Dist- Bhojpur. At present Add- R/V- Karma Road, Ramnagar,
P.S.- Mufassil, Dist-Aurangabad, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection
with Mufassil P.S. Case No. 229 of 2024 registered for the
offences punishable under Sections 341, 323, 504, 506, 420, 34
of the Indian Penal Code.

3. As per prosecution case, the petitioner is alleged
to have threatened the informant to transfer the monthly pension
and the landed property in his favour otherwise he will be killed.
Petitioner is also alleged to have fraudulently taken the post
retirement benefit amount of Rs. 36 lakhs. It is also alleged that
with intention to kill the informant, petitioner pressed the
informant's mouth with pillow. When his wife came, petitioner
is alleged to have pushed her. The another son of the informant,



Sunil Kumar came and rescued her. It is further alleged that petitioner took away Rs. 6000/- and slapped the informant's wife and ousted her from the house.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report. Petitioner is the elder son of the informant. Learned counsel submits that after retirement of the informant some family dispute arose, however, the said dispute has now been amicably settled between the parties. Petitioner has criminal antecedent of one case. Learned counsel orally submits that petitioner is on bail in that case. Learned counsel submits that informant got the false case registered against the petitioner through the younger brother's wife in order to deprive the petitioner from money and the family property. There is no eye witness to the alleged occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the alleged sections.

5. The learned A.P.P. and learned counsel for the informant have not controverted the contention made by the learned counsel for the petitioner that the dispute between the parties have been amicably settled.

6. The present case was lodged on account of some



family dispute between the parties. Both parties have admitted that the dispute between the parties has been amicably settled and a compromise petition to that effect has been filed before the Court below. Learned counsel has filed the certified copy of the said compromise petition. Let it be kept on record.

7. Considering the facts and circumstances of the case, argument advanced on behalf of both sides, taking into consideration the material available on record and both parties have amicably settled the dispute between the parties which has not been controverted by the learned counsel for the informant, the petitioner, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad, in connection with Mufassil P.S. Case No. 229 of 2024, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Alok Kumar Pandey, J)

mcverma/-

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

