

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76643 of 2024

Arising Out of PS. Case No.-288 Year-2023 Thana- ALAMNAGAR District- Madhepura

1. Pawan Chaudhary S/o- Sri Avinash Chaudhary Village- Mahmuda Ps- Alamnagar Dist- Madhepura
2. Laxman Kumar Sharma@ Laxman Kumar S/o- Rambilash Sharma Village- Forsahi Ps- Alamnagar Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw the present bail application with respect to the petitioner no. 2 i.e. Laxman Kumar Sharma @ Laxman Kumar, who has already been arrested.

Permission is accorded.

Accordingly, the present bail application is dismissed as withdrawn with respect to petitioner no. 2.

3. The petitioner is apprehending his arrest in a case in connection with Alamnagar P.S. Case No. 288 of 2023 dated 07.11.2023 registered for the offences punishable u/ss 341, 323, 420, 379, 427, 354B, 504, 506 read with section 34 of the Indian



Penal Code.

4. As per the prosecution case, the co-accused, Deepak Kumar got the land of the informant executed in his name fraudulently. It is further alleged that the co-accused, Deepak Kumar pressurized the informant to evict the house. Thereafter, the informant called panchayati then the co-accused, Deepak Kumar sold the aforesaid land to one Laxman Kumar Sharma. On 05.11.2023, all the accused persons came to the house of the informant and abused her. The co-accused, Deepak Kumar dragged the informant by catching hold of her hair and slammed down on the road and assaulted her by leg and fists. The co-accused, Laxman Sharma took articles of Rs. 70,000/- from the house of the informant and ousted her from the house.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a land dispute between the parties. The petitioner has not committed any fraud or cheating with the informant rather the informant has falsely implicated the petitioner only to grab the land. On 30.11.2022, the sale deed was executed for the land but the informant has not complained or lodged any case against the petitioner. It is further submitted that there is a delay of 11 months in lodging the F.I.R. from the date of the alleged occurrence. Learned counsel has further submitted that this case is purely civil



in nature. It is further submitted that the petitioner has no concern with the alleged offence. The co-accused person has already been granted anticipatory bail by this court vide order dated 15.04.2024 passed in Cr. Misc. No. 18665 of 2024. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, Pawan Chaudhary, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Udakishunganj, Madhepura in connection with Alamnagar P.S. Case No. 288 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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