

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78000 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- KARPURIGRAM District- Samastipur

1. Shiv Chandra Paswan S/O Late Chhotela Paswan R/O Village- Bikrampur Bandey, P.S- Karpurigram, Distt.- Samastipur.
2. Ram Prakash Paswan @ Pragash Paswan S/O Saryug Paswan R/O Village- Bikrampur Bandey, P.S- Karpurigram, Distt.- Samastipur.
3. Arjun Paswan @ Arjun Kumar Paswan@Arjun Kumar S/O Shiv Chandra Paswan R/O Village- Bikrampur Bandey, P.S- Karpurigram, Distt.- Samastipur.
4. Rajesh Paswan S/O Late Anik Lal Paswan R/O Village- Bikrampur Bandey, P.S- Karpurigram, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the informant	:	Mr. Nafisuzzoha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-02-2025 Heard Mr. Ajay Kumar, learned counsel for the petitioners, learned APP for the State and Mr. Nafisuzzoha, learned counsel appearing for the informant.

2. The petitioners are apprehending his arrest in connection with Karpurigram P.S. Case No. 23 of 2024 for the offences punishable under Sections 420, 467, 468, 471, 385, 379, 120(B) of the IPC, lodged on 05.03.2024 by the informant, Anzarul Haque.

3. As per the prosecution story, *five Kathas* of land which belongs to the informant, the petitioners/other accused



persons forged *Khatian* in the name of Bihar Government and later, armed variously, they reached the spot as also demanded extortion money. The informant being law abiding citizen had no option but to lodge the FIR.

4. Learned counsel for the petitioners submit that it is not the case that he will be the beneficiary of the land, allegedly, has been made in favour of Bihar Government, he has no role to play in the alleged act. Further undertakes that if there is any land related issue, the accused will be knocking the door of Civil Court and will not create any situation on the land in question.

5. Mr. Nafisuzzoha, learned counsel appearing for the informant, on the other hand, submits that the land belongs to his family, they are in peaceful physical possession, only to disturb, the accused persons tried to forge the document in favour of Bihar Government to take its possession. They being law abiding citizens cannot face such criminal persons.

6. If the contention of Mr. Nafisuzzoha is correct, the situation is really serious. The petitioners have criminal antecedent too and they cannot be allowed to take law in their own hand. However, since an undertaking has been given that instead of putting any pressure on the informant side, they shall



be resorting to civil dispute, on this ground alone relief is being granted to them.

7. If, however, it is found that they have again resorted to any criminal activity towards the informant, he shall be free to take recourse to legal remedy for cancellation of their bail bonds.

8. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Samastipur in connection with aforesaid P.S. Case, subject to the following conditions.

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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