

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79003 of 2025

Arising Out of PS. Case No.-363 Year-2018 Thana- CHAPRA TOWN District- Saran

1. Amit Kumar Gupta S/o Late Kapildeo Prasad R/O Mohalla- Dahiyawan Kinara Dih, Chapra, P.O. and P.S.- Chapra, Dist.- Saran at Chapra
2. Vishwanath Prasad Gupta S/O Late Kapildeo Prasad R/O Mohalla- Dahiyawan Kinara Dih, Chapra, P.O. and P.S.- Chapra, Dist.- Saran at Chapra
3. Sheonath Prasad Gupta @ Shivnath Prasad Gupta S/O Late Kapildeo Prasad Gupta R/O Mohalla- Dahiyawan Kinara Dih, Chapra, P.O. and P.S.- Chapra, Dist.- Saran at Chapra
4. Golu Kumar Gupta @ Abhijit Gupta S/O Amit Kumar Gupta R/O Mohalla- Dahiyawan Kinara Dih, Chapra, P.O. and P.S.- Chapra, Dist.- Saran at Chapra
5. Satyam Kumar Gupta @ Shashwat Kumar S/O Sheonath Prasad Gupta R/O Mohalla- Dahiyawan Kinara Dih, Chapra, P.O. and P.S.- Chapra, Dist.- Saran at Chapra
6. Sugam Kumar Gupta @ Shubham Kumar Gupta S/O Vishwanath Prasad Gupta R/O Mohalla- Dahiyawan Kinara Dih, Chapra, P.O. and P.S.- Chapra, Dist.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parth Gaurav, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-11-2025 1. Heard learned counsel for the petitioners and Mr. Chandra Bhushan Prasad, learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 323, 427, 337, 338, 448, 387, 504 and 506 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners no. 1, 2 and 3 have antecedent of three cases but then



two cases were instituted by the present informant. Further, petitioners no. 4 and 5 are persons with clean antecedent and petitioner no. 6 has antecedent of one case.

4. It is next submitted that informant alleges that the petitioners were conniving to usurp 9 Kathas of land belonging to Gurudwara as such they were cleaning the land for giving on rent as a private property, accordingly, the information was given to the Secretary of the Gurudwara who came to Chapra and after being made aware of the entire issue, appointed the informant as caretaker of the plot, accordingly, the informant instituted an FIR on 19.01.2018 in pursuance whereof the Circle Officer and the S.H.O. came and ordered for initiating a proceeding under Section 144 Cr.P.C. and the accused persons were orally directed not to interfere with the property thereafter the accused persons came on 21.01.2018, at 10:30 a.m., to the house of the informant variously armed and started abusing and pelted stones and said that they have already invested Rs.1 lakh on the land which got stuck and demanded from the informant to return the same or to face dire consequences. Further, on account of pelting of stones, household articles worth Rs.1000/- got damaged and they wanted to burn his office but the same was saved due to intervention of the local people.



5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant who is a practicing Advocate at Civil Court, Chapra. It is further submitted that the land in dispute belongs to the petitioners. It is next submitted that earlier also a dispute had arisen between the parties which led the petitioners to file C.W.J.C. No. 1425 of 2017 and the same was allowed by an order dated 15.11.2019 granting all the prayers of the petitioners and the authorities were directed not to interfere with the peaceful possession of the petitioners with regard to the land appertaining to Plot No. 7778. It is also submitted that the police after investigation submitted charge-sheet dated 31.05.2019 under Sections 323 and 504 of the Indian Penal Code i.e. under bailable sections but then the learned trial court differing with the police report took cognizance of the offences under Sections 323, 527, 337, 338, 448, 387, 504 and 506 of the Indian Penal Code by an order dated 19.02.2022. It is further submitted that petitioners were never served summons for appearance after the order of cognizance dated 19.02.2022 and all of a sudden process under Section 82 of the Cr.P.C. was issued. It is next submitted that in the nature of allegation as alleged in the FIR, it would manifest that the dispute is purely civil to which a



criminal colour has been given. It is also submitted that no doubt, petitioners have antecedent but then the cases were filed from the side of the informant as recorded hereinabove. It is, thus, submitted that in the nature of allegation as alleged in the FIR, if petitioners are sent to jail that would amount to travesty of justice. It is further submitted that petitioners will not abscond rather will cooperate in the trial to prove their innocence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their 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.10,000/- (Rupees Ten Thousand) each 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 Nagar Thana P.S. Case No. 363 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. It is made clear that if the learned trial court comes to a conclusion that petitioners after their release on anticipatory



bail are trying to delay the framing of charge or after framing of charge are trying to delay the trial in both the conditions the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

9. Pending application(s), if any, stands disposed of.

(Satyavrat Verma, J)

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