

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88869 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

-
1. Jay Shankar Choudhary Son of Late Dhiraj Choudhary Resident of Village - Rahimpur, Choudhary Tola, P.S. - Muffasil, District - Khagaria
 2. Ram Bahadur Choudhary Son of Late Dhiraj Choudhary Resident of Village - Rahimpur, Choudhary Tola, P.S. - Muffasil, District - Khagaria
 3. Deep Mala Devi @ Deepmala Wife of Ravi Kumar Resident of Village - Rahimpur, Choudhary Tola, P.S. - Muffasil, District - Khagaria
 4. Barun Kumar @ Barun Kumar Singh Son of Late Shiv Narain Choudhary Resident of Village - Rahimpur, Choudhary Tola, P.S. - Muffasil, District - Khagaria
 5. Chandan Kumar Son of Late Achyuta Nand Choudhary Resident of Village - Rahimpur, Choudhary Tola, P.S. - Muffasil, District - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sumant Kumar Son of Devanand Choudhary Resident of Village - Rahimpur, Choudhary Tola, P.S. - Muffasil, District - Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Adv.
For the Opposite Party/s : Mr.Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Complaint Case No. 163C of 2023 registered for the alleged offences under Section 420 of the Indian Penal Code.

03. As per prosecution case, petitioners and co-accused transferred the land of the complainant by executing sale deed.



When the complainant went to the land for tilling it, the petitioners assaulted him and snatched Rs. 2,500/- and a gold pendant from the complainant.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Though the complaint has been filed mentioning a lot of things but the same does not describe the land of the complainant which was sold by the petitioners. The petitioners are agnates of the complainant who has filed this false case to put unnecessary pressure on the petitioner. Learned counsel further submits that the father of the complainant has filed a case in the court of D.C.L.R., Khagaria being Land Dispute Redressal Case No. 180 of 2011 with respect to the same land having area 9 decimal and the said case was decided in favour of the father of the complainant. Learned counsel further submits that if there is any dispute the background shows it is civil dispute and there is no material to connect the petitioners with the offences as alleged.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners. Learned A.P.P. submits that allegation against the petitioners is that of entering into conspiracy and selling the land of the complainant.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack



of material against the petitioners showing their involvement in the offences as alleged and further considering the civil nature of dispute, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Khagaria in connection with Complaint Case No. 163C of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Anuradha/-

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

