[2025:JHHC:37428]

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.472 of 2025

Dinesh Prasad Seth, Aged about 61 years, S/O- Late Mohan Ram, R/O- American Homoeo Pharmacy, 2nd Floor, Kalamanch Bakerganj, Arya Kumar Road, P.O. + P.S.- Patna, District- Patna (Bihar)

… Petitioner

Versus

1. The State of Jharkhand
2. Santosh Kumar Seth, Aged about 37 years, S/o- Late Binda Ram,
3. Sinigdha Kumari, Aged about 43 years, W/o- Santosh Kumar Seth,

Opposite Party No.2 and 3 are R/O- Harina Colony, Gomoh Road, P.O.- Nawagarh, P.S.- Baghmara, District- Dhanbad

… Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Ram Pravesh Prajapati, Advocate Mr. Prem Pujari Roy, Advocate Mr. Rakesh Kr. Sinha, Advocate
For the State	: Mr. Manoj Kr. Mishra, Addl.P.P.
For the O.P. Nos.2 and 3	: Mr. S. Hamidul Haqe, Advocate

Order No:-06 Dated:-12-12-2025

Heard the parties.

This criminal miscellaneous petition has been filed under Section 483 (2) read with Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 by the petitioner with the prayer to cancel the anticipatory bail granted to the opposite party Nos.2 and 3 and to set aside the orders dated 01.11.2023 as well as 15.03.2024 passed by this Court in A.B.A. No.8211 of 2023 and Cr.M.P. No.3844 of 2023 respectively in connection with Baghmara P.S. Case No.55 of 2022 registered for the offences punishable under Sections 323, 341, 353, 504, 506 and 34 of the Indian Penal Code.

The brief fact of the case is that the opposite party Nos.2 and 3 were given the privileges of anticipatory bail vide order dated 01.11.2023 in A.B.A.

No.8211 of 2023 which has been modified vide order dated 15.03.2024 in Cr.M.P. No.3844 of 2023. As per the modified order, the opposite party Nos.2 and 3 were directed not to carry out any construction work over the land bearing Mauza No.101 (Harna), Khata No.07, Plot No.940 and were to reside only in their house situated only over the part of the said plot No.940 and were not to annoy or disturb the informant or his assigns in any manner and were not to cause any hindrance in construction activity carried out by the informant over the plot No.940, except the portion over which the house of the petitioner is situated.

Learned counsel for the petitioner submits that on 13.10.2024, the opposite party Nos.2 and 3 along with others broke open the lock of the boundary wall and house and entered the house of the petitioner and took away all the articles kept inside the house in respect of which Baghmara P.S. Case No.65 of 2024 was registered. It is further submitted that again on 15.10.2024 at about 8:40 am, the opposite party No.2 assaulted the petitioner and his family members causing injuries to him and demolished the boundary wall and broke open the lock of the house and put their own lock therein. It is next submitted that thereby they have violated the terms and conditions, upon which the opposite party Nos.2 and 3 were given the privileges of anticipatory bail. Hence, it is submitted that the prayer, as prayed for in the instant Cr.M.P., be allowed.

Learned Addl. P.P. appearing for the State and the learned counsel for the opposite party Nos.2 and 3 on the other hand vehemently oppose the prayer of the petitioner and the learned counsel for the opposite party Nos.2 and 3 deny all the allegations made against them in this Cr.M.P. and submits that the petitioner is filing false and baseless cases only to harass the opposite party Nos.2 and 3 to grab the property of the opposite party Nos.2 and 3. It is next submitted that a partition suit for the landed property between the petitioner and the opposite party Nos.2 and 3 is going on. It is next submitted that nowhere it has been mentioned that the opposite party Nos.2 and 3 ever went over the plot No.940 except the one which is in their possession or caused any disturbance to the petitioner or his assigns in any manner in respect of the said plot No.940. Hence, it is submitted that this Cr.M.P., being without any merit, be dismissed.

Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that the restriction of the opposite party Nos.2 and 3 imposed by the said anticipatory bail application which was subsequently modified vide order dated 15.03.2024 in Cr.M.P. No.3844 of 2023 is only in respect of plot No.940, of which the opposite party Nos.2 and 3 are not in possession of Khata No.07, Mouza No.101 (Harna).

Now, coming to the facts of the case, there is absolutely no allegation against the opposite party Nos.2 and 3 that they have carried out any construction over the land bearing Mauza No.101 (Harna), Khata No.07, Plot No.940 nor have they caused any annoyance or disturbance to the petitioner in respect of the said land. In both the F.I.Rs, the copy of which has been filed by the petitioner and which was subsequently lodged by the petitioner against the opposite party Nos.2 and 3, nowhere the description of plot number, Khata number or Mouza has been mentioned.

Under such circumstances, as there is no material in the record for this Court to be satisfied that the opposite party Nos.2 and 3 either carried out any construction work over the land bearing Mauza No.101 (Harna), Khata No.07, Plot No.940 which is not in their possession nor have they ever caused any annoyance or disturbance to the petitioner or his assigns in any manner, in respect of that land, this Court is of the considered view that this is not a fit case where the bail granted to the opposite party Nos.2 and 3 be cancelled.

Accordingly, this Cr.M.P., being without any merit, is dismissed.

(Anil Kumar Choudhary, J.)

Dated- 12.12.2025-Animesh/