

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21242 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -KADWA District- KATIHAR

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1. Ram Prasad Roy, Son of Soma Ray
2. Naren Roy, Son of Chiku Roy null
3. Suren Roy, Son of Chiku Roy
4. Sudhir Roy, Son of Shibu Roy
5. Bishu Roy Son of Late Son Lal Roy
6. Sangita Devi W/o Bishu Roy
7. Leela Devi W/o Sudhir Roy
8. Chhotu Roy Son of Lela Roy
9. Silia Devi @ Sita Devi W/o Ram Prasad Roy
All resident of Village- Kujibana, P.S.- Kadwa, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Md. Musowir, Advocate.
For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-07-2016 Heard both sides.

The petitioners, nine in number, apprehend their arrest in Kadwa P.S. Case No. 42/2016 registered under Sections 147, 341, 323, 379, 504, 506 of the Indian Penal Code.

The informant alleged that the petitioners had cultivated potato crop in his field bearing Khata no. 367, Khesra no. 373/849, area 1.5 acres, situated in Mauza Shahnagar, Thana No. 318, but the petitioners forcibly harvested the crop. It is submitted that the petitioners are settlees of the land. A proceeding under Section 144 Cr.P.C. was initiated vide Case No. 159M/2015 but the same was dropped. Since the question of title is involved,

the Sub Divisional Magistrate found that both the parties have genuine claims over the land in question.

Considering the fact that there is a bona fide land dispute between the parties, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IV, Katihar, District Katihar in Kadwa P.S. Case No. 42/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Dilip/-

(Prabhat Kumar Jha, J)

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