

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43659 of 2016

Arising Out of PS.Case No. -501 Year- 2015 Thana -KHAGARIA District- KHAGARIA

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1. Upendra Prasad Gupta S/o late Biranchi Lal Sah
 2. Rajeev Kumar
 3. Sanjeev Kumar
 4. Ajay Kumar
 5. Vijay Kumar, All sons of Upendra Prasad Gupta Resident of Mohalla-Bidyadhar, Ward No. 6, PS./District Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Chandra

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 17-10-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Khagaria P.S. Case No. 501 of 2015 registered under Sections 188, 447, 420, 467, 468, 471, 506 and 341 of the Indian Penal Code.

The allegation of informant is that in spite of order passed in Second Appeal Nos. 278 of 2009 and 63 of 2015 to maintain the *status quo* in respect to land in dispute, the petitioners have raised the construction over the suit land.



Learned counsel appearing on behalf of the petitioners submits that in fact, the informant of the present case filed Title Suit No. 42 of 1990 against the petitioners and one Janardan Mahto and others. The Title Suit was decreed in favour of the informant. Thereafter, the petitioners preferred the First Appeal No. 18 of 1996 and Janardhan Mahto preferred the First Appeal no. 16 of 1996. Against the Judgment and Decree passed in Title Appeal No. 16 of 1996, the informant filed the Second Appeal No. 278 of 2009, in which on 30.01.2014 order was passed to maintain status quo in respect to land in dispute, whereas later on, informant preferred the Second Appeal No. 63 of 2015 in respect to Judgment and Decree passed in Title Appeal No. 18 of 1996 preferred by the petitioners, in which no any order was passed till today. As such, no question arise about disobedience of the order passed in second appeal. Further submission is that neither any application is filed in the Second Appeal No. 63 of 2015 under Order 39 Rule 2A, nor any injunction order is passed.

Having considered the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail

bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the C.J.M., Khagari in connection with Khagaria P.S. Case No. 501 of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J)

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