

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41291 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Sk. Rafique son of Late Sk. Miyajaan
 2. Sk. Rashid
 3. Sk. Nasim Both sons of Sk. Rafique
 4. Sk. Madhusen
 5. Sk. Juman
 6. Sk. Sobrati @ Md. Sobrati
 7. Sk. Karim All sons of Late Sk. Wakil
 8. Sk. Raju @ Sk. Roja @ Md. Raju son of Sk. Madhusen
 9. Sattar Kabari son of Late Kanti Kabari
 10. Md. Hasnain Kabari @ Hasnain Kabari son of Sattar Kabari
 11. Md. Husnain Kabari @ Husnain Kabari son of Sattar Kabari All residents of Village - Khairawa, P.S. - Madhuban, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 06-10-2016 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition of Petitioner no. 1 Sk. Rafique as he has already been arrested.

Accordingly, the anticipatory bail petition of Petitioner no. 1 Sk. Rafique is dismissed as has become infructuous.

Heard both sides.

The petitioners apprehend their arrest in Madhuban

P.S. Case No. 72 of 2016, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

The informant alleged that he purchased the land of Khata No. 119, Plot Nos. 637, 636, 653, 654 and 162, area about 2 Bighas and 2 Kathas from Sk. Navrang, a Khatiyani Raiyat in the year 1919 and 1921 but the petitioners came over the land and forcibly took away the harvested crops. When the informant and his brother asked the reason, Sk. Rafique fired and other accused persons assaulted the informant and others.

It is submitted that no injury is caused to anybody including the informant. Petitioners are not assailants of the informant. A Title Suit bearing no. 776 of 2013 is pending with regard to the same land. There is a bona fide land dispute between the two sides and for that many cases have been lodged.

On the other hand learned counsel for the informant as well as the learned Additional P.P. vehemently opposed the prayer for anticipatory bail but submitted that there is no injury on the informant or his family members. It is submitted that petitioners have got criminal antecedent and the petitioners are always demanding extortion from the informant.

From the allegation levelled against the petitioners it appears that there is a bona fide land dispute between the parties

and for that there is case and counter case.

Considering the facts aforesaid, petitioners above named in the event of their arrest or surrender before the 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 Additional Chief Judicial Magistrate IV, East Champaran at Motihari in connection with Madhuban P.S. Case No. 72 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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