

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8652 of 2016

Arising Out of PS.Case No. -282 Year- 2015 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Pankaj son of Late Vishwanath Singh
 2. Amar Ram son of Late Narsinha Ram
 3. Sohan Ram son of Jagannath Ram
 4. Mohan Ram son of Babunand Ram
 5. Manbodh Ram son of Asharfi Ram
 6. Madan Ram son of Baidyanath Ram
 7. Shambhu Ram son of Bishundeo Ram
 8. Surendra Ram son of Bharat Ram
 9. Adalat Ram son of Asharfi Ram
 10. Ramprit Ram son of Babu Ram
 11. Mohan Ram son of Jagannath Ram
 12. Kamlesh Musahar son of Mush Mushahar
 13. Saheb Musahar son of Kamlesh Mushahar
 14. Tufani Musahar son of Jagannath Mushahar @ Jaga Musahar
 15. Manoj Ram son of Madan Ram
 16. Satyanarain Ram son of Lalji Ram
 17. Ramnarain Ram son of Lalji Ram Pet. No. 1 - 17 residents of village-Salaha, P.s. Chautarwa
 18. Mohd. Azad @ Aza Alam son of Serajul Mian Resident of village-Chautarwa Patilar, P.S.- Chautarwa All within the district of West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad (App)
Mr. S.R.P. Baxi

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 28-06-2016 Heard both sides.

The petitioners apprehend their arrest in Chautarawa
P.S. Case No. 282/2015, registered for the offence punishable
under Sections 147, 148, 149, 188, 307, 323, 337, 353, 379, 411,

504 of the Indian Penal Code.



The Circle Officer, Bagaha alleged that with regard to the land of Khata no. 216 Khesra Nos. 1026 and 1028 a Ceiling Appeal is pending before the Collector, West Champaran. Hon'ble High Court passed order dated 18.09.2015 and 15.10.2015 in C.W.J.C. No. 11780/2015 in which there was an interim order that the petitioners would not be dispossessed of the land in question. The informant informed the petitioners about the interim order and apprehends the apprehension of breach of peace. Proceeding under Section 144 Cr. P.C. was promulgated, but the petitioners assembled and harvested the entire crops.

Learned counsel for the petitioners submit that in the land ceiling case the aforesaid plots were acquired and Parcha were distributed to the petitioners even though statutory appeal is pending since 1991.

It is submitted that the possession was also given. It is very surprising that even though statutory appeal was pending, the authority issued Parcha to the petitioners. The appeal is pending since the year 1991 and when the same was not disposed of, for last more than 24 years, the sons of the landlord filed writ petition C.W.J.C No. 11780/15 in which interim order was passed on 18.09.2015 directing the respondents not to dispossess the writ

petitioners from possession of the lands in question. In spite of the order of the Circle Officer the petitioners took law in their hands and forcibly harvested the entire crops standing on the field.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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