

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18223 of 2016

Arising Out of PS.Case No. -115 Year- 2015 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Kalam @ Sheikh Kalam,
 2. Salam alias Sheikh Salam

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Suresh Pd. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-04-2016

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 406,420,466,467,471,341,323,379,307 and 304/34 of the Indian Penal Code.

The prosecution case is that the informant and his brother Md. Mansoor Alam had purchased two kathas of land pertaining to Khata no. 57, Plot No. 1972 on 7.11.1985 from Sattar Ansari. Subsequently, Jamabandi was opened in their names and land possession certificate was issued. The informant came to know in February, 2015 that co accused Sheikh Sarfullah has lodged a case against the informant and others and created Jamabandi in his name in collusion with the revenue authorities



with respect to 12 dhooors of land of the informant. Thereafter, the informant filed requisition for obtaining certified copy of the said Jamabandi but the same was not supplied. On 1.5.2015 at 3 P.M. when the informant was going to meet the accused persons he saw them sitting near the hut of Ekramul and Sagir. The informant showed certain documents but the accused persons made assault and snatched papers including rupees ten thousand and gold chain. Petitioner no. 1 resorted to fire also but it did not hit anyone.

It is submitted by the learned counsel for the petitioners that the complainant claims to have purchased the land in question in 1985 whereas the aforesaid land was purchased by the grand father of the petitioners in 1922 and after the death grand father the land devolved to the petitioners' father and petitioners are coming in peaceful possession of the same. The land possession certificate was also issued in favour of the petitioners. The petitioners' father after facing dispute filed Title Suit No. 214 of 2015 wherein the informant is party defendant.

Considering the accusation levelled in the background of bonafide land dispute where title suit is pending between the parties coupled with the fact that Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the above named petitioner be released on

anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sikrahana, East Champaran in connection with Dhaka P.S. Case No.115 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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