

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24491 of 2017

Arising Out of PS.Case No. -57 Year- 2017 Thana -BOCHHA District- MUZAFFARPUR

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1. Hari Bansh Rai Son of Late Tekan Rai.
2. Radhey Rai, Son of Late Ram Ashish Rai.
3. Devendra Rai, Son of Late Ram Ashish Rai.
All Resident of Village- Bhatani, Police Station- Bochahan, District-
Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sakil Ahmad Khan, Advocate.

For the Opposite Party/s : Mr. Ashok Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-06-2017 Heard Sri Sakil Ahmad Khan, the learned advocate who appears for the petitioners on instruction from Sri Mazharul Hassan, the learned advocate on record, and Sri Ashok Kumar, learned A.P.P. for the State.

The petitioners in the present case are apprehending their arrest in Bochahan P.S. Case No. 57/2017 registered under Sections 420, 467, 468, 471, 120(B)/34 of the Indian Penal Code.

The prosecution story, as alleged, is that the informant being the niece of the accused alleges that her uncle and his sons have got mutated the land which belonged to her father by giving a wrong genealogical table removing the name of the father



of the informant.

Learned counsel for the petitioners would submit that the informant and the accused persons are closely related to each other and a civil dispute with respect to mutation of land is going on between the parties. The informant has filed a case before the Deputy Collector Land Reforms, Muzaffarpur for cancellation of mutation vide Mutation Appeal No. 55 of 2016-17.

A perusal of the F.I.R. would show that the entire allegations cluster around the civil dispute, as alleged.

Although the learned A.P.P. attempted to oppose the prayer for anticipatory bail to the petitioners but could not deny that save and except the dispute relating to the land, there is no other allegation against the accused persons.

Considering the nature of allegations, particularly that the civil dispute has been alleged by the informant, and the matter is pending before the revenue court I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners, namely, Hari Bansh Rai, Radhey Rai and Devendra Rai, 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 bonds of Rs. 10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned Sub Judge II-cum-Additional Chief Judicial Magistrate (ACJM), Muzaffarpur in Bochahan P.S. Case No. 57 of 2017, subject to the conditions under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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