

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29871 of 2017

Arising Out of PS.Case No. -141 Year- 2016 Thana -JAMOBABAZAR District- SIWAN

- =====
1. Raghaw Singh , s/o Late Shiv Deni Singh, resident of village- Paltu Hata, P.S. Jamo Bazar, District- Siwan,
 2. Vikarma Manjhi, s/o late Supan Manjhi,
 3. Ram Avtar Manjhi, s/o late Somari Manjhi,
 4. Lallan Manjhi, s/o late Somari Manjhi,
 5. Dharmdeo Manjhi, s/o late Jagan Manjhi,
 6. Most. Jiyani Kuwar, w/o late Bineshwari Manjhi,
 7. Birendra Manjhi, s/o Vikarma Manjhi,
 8. Suganti Devi, s/o Mahangu Manjhi,
 9. Ram Naresh Manjhi, s/o Late Ram Swarup Manjhi,
 10. Awadhesh Manjhi, s/o Late Babu Jan Manjhi, all resident of Village- Lalahata, P.S. Jamo Bazar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, Advocate
Mr. K. K. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 11-07-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Jamo Bazar P.S. Case No.141 of 2016 instituted for the offence under Section(s) 120-B, 467, 468, 420, 471, 341, 323, 379, 504, 506 Indian Penal Code pending in the Court of the Chief Judicial Magistrate, Siwan.

The informant-complainant has alleged in the Complaint Petition, which was sent to P.S. under Section 156 (3)



Cr. P. C., that the alleged land was purchased by the ancestor of the complainant from Leela Dusadh, who were *Khatiyani Raiyat* in 1902 and since then he is coming in peaceful possession over the same and paying the rent to the land-lord and after *zamindari* abolition in 1956, they are paying rent to the Govt. of Bihar and are in possession of the same. The family members of the informant used to reside outside with regard to their service and accused nos. 2 to 7, who are the descendants of *Khatiyani Raiyat*, Lila Dusadh, have executed sale deed with respect to the land in favour of the petitioner No.1 with intention to grab the land and disturb the peaceful possession of the informant. The accused persons during pendency of the case accepted their guilt and became ready to execute *Ladavi*, but they refused to execute *Ladavi* on 28.02.2015. On 10.04.2016, when the informant went to plough the land, then the accused nos. 8 to 10 (petitioners) armed with deadly weapon abused him and stopped from ploughing the land and also gave threat to implicate him in a false SC/ST case.

It has been submitted that this is a purely civil dispute and a Title Suit has already been filed by the informant one year back for cancelling the sale deed. It has further been submitted that in the year 2015 when the accused persons refused



to execute *Ladavi* then Complaint has been filed in the Court in 2016.

In the instant case, there is specific allegation against the petitioners of executing the sale deed with respect to the land, which was in peaceful possession of the informant after being purchased from the ancestor of Lila Dusadh. It is apparent that the complainant has been put to litigation forcibly by the accused persons as they have executed sale deed of the land which belongs to him since 1902.

In the facts and circumstances of the case, this Court does not find it a fit case for grant of anticipatory bail.

Accordingly, prayer of the petitioners for grant of anticipatory bail is rejected.

The petitioners may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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