

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43899 of 2017

Arising Out of PS.Case No. -668 Year- 2016 Thana –NAWADA NAGAR District- NAWADA

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1. Badri Singh, Son of Late Bharat Singh, Resident of Village- Shiv Dayal Bigha, P.S.- Nawada Town, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 03-10-2017

Heard both sides.

The petitioner apprehends his arrest in Nawada Nagar P.S. case No. 668 of 2016 for the offences punishable under Section 379, 384 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that land of Khata No. 271, area one acre and 13 decimal, and different plots of Khata No. 74, area 5 acre 44 decimal, were recorded in the name of his father, Yamuna Prasad Kaviraj, but the petitioner and others came on his land and started filling earth and when the informant forbade them they demanded extortion. Jitu Singh is said to have fired but the shot did not hit the informant. The petitioner is alleged to have snatched chain made of gold and Rs. 30,000/- from the informant.



Sri Ajay Kumar Thakur, the learned counsel for the petitioner, submits that the entire land belongs to one Dilan Singh and Dilan Singh got one son, Bharat Singh. The petitioner is son of Bharat Singh. Bharat Singh mortgaged the property in favour of Ram Lal Sao and Kanhai Sao. Ram Lal Sao again executed registered deed of mortgage in favour of Bhuvneshwari Devi, wife of Yamuna Prasad Kaviraj but Bharat Singh later on redeemed the mortgage and got back possession of the land from the mortgagees but during the course of revisional survey father of the informant got his name recorded in the Khatian but there is no basis for recording his name in the Khatian. The land never belonged to Yamuna Prasad Kaviraj. The petitioner, Badri Singh, and others filed title suit No. 302 of 2012 against the informant and others. Similarly, Jitu Singh and others filed title suit No. 473 of 2016 against the informant and others and during the pendency of the title suit the informant filed this case making false and frivolous allegation.

On the other hand the learned Additional Public Prosecutor submits that there is specific allegation against the petitioner that he snatched chain made of gold and Rs. 30,000/- from the informant.

Considering the facts aforesaid and the nature of



allegation made against the petitioner and the fact that there is land dispute between the parties and petitioner claims title over the land, the petitioner, above named, in the event of his 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 is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Nagar P.S. case No. 668 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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