

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62092 of 2017

Arising Out of PS. Case No.-139 Year-2017 Thana- GOPALPUR District- West Champaran

1. Anwarddin Alam, S/o Suleman Mian, R/o Village- Mainpur Tola Jamunia, P.s.- Gopalpur, District- West Champaran.
2. Ajay Manjhi, S/o Radha Kishun Manjhi, R/o Village- Akderi, P.S.- Gopalpur, District- West Champaran.
3. Santosh paswan S/o Gorakh Paswan, R/o Village- Akderi, P.S.- Gopalpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.
For the Opposite Party/s : SRI SAKIR AHMAD, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-12-2017 Heard learned Counsels for the petitioners, informant and learned APP for the State.

Initially, it is submitted by learned Counsel for the petitioners that petitioner no.1 Anwarddin Alam has been arrested. Hence, this application with respect to petitioner no.1 has become infructuous. Accordingly, it is disposed of.

Petitioner nos. 2 and 3 are apprehending arrest in a case registered for the offences punishable under Sections 147/148/149/341/120B/323/382/467/468/471/420/201 of the Indian Penal Code.

Prosecution case is that the informant purchased a piece of land appertaining to Khata No. 937, Plot No. 447/1,



situated in Mauza-Puraina and planted crops in that field. On 17.04.2017, at 11.30 AM when the informant went on his land, he saw that the accused persons along with 30-40 unknown persons armed with deadly weapon were cutting the crops, which they took away on a tractor.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against petitioner no.1, Anwarddin Alam, who claims to have purchased the land in question and Jamabandi was created in his favour. Petitioner nos. 2 and 3 are the only witness to the sale deed. Moreover, a title suit is also pending with regard to the same cause of action.

It is submitted by learned Counsel for the informant that on the basis of forged sale deed the accused persons particularly petitioner no.1 created Jamabandi in his name. Even assuming the accusation, no offence under Sections 382, 147, 148 and 149 is made out against the petitioners.

Considering the nature of accusation arising out of civil nature of dispute and in view of the fact that the thrust of accusation is against petitioner no.1, who has already been arrested, let the above named petitioner nos. 2 and 3 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on



furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran, in connection with Gopalpur P.S. Case No.139 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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