

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31366 of 2017

Arising Out of PS.Case No. -44 Year- 2015 Thana -CHAURADANO District-
EASTCHAMPARAN(MOTIHARI)

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1. Nurul Haque @ Nurullah Son of Sk. Khairati,
2. Rahul Haque, @ Rahul Haque, Son of Sk. Khairati, Both Resident of
Village- Khairwa, P.S.- Chhauradano, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Ataur Rahman, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-07-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are languishing in jail since 30.03.2017 in a
case registered for offences punishable under Sections 147, 148,
149, 188, 353 and 504 of the Indian Penal Code.

The prosecution case as lodged by the Circle Officer,
Chhauradano is that in pursuance to the order passed by this Court
in C.W.J.C. No. 19591/2012 on 09.11.2016, when he had gone to
remove the encroachment, the petitioners along with other family
members came with lathi, farsa and also assaulted through bricks
and stones upon the informant and the police party.

It has been submitted by the learned counsel for the



petitioners that the plots have to be demarcated as per order of this Court passed in the above mentioned writ application and also the writ application filed by the petitioners bearing C.W.J.C. No. 1302 of 2016 whereby his three plots were not to be touched where the demarcation has to be done in the presence of the parties and the District Magistrate, East Champaran was to comply with the order passed in writ application No. 1302 of 2016 within a period of four weeks from the date of receipt/production of a copy of the order by any of the parties. He further submits that as yet, the demarcation has not been done and the Circle Officer and the police party instead has lodged the present and other casees against the petitioners. He submits that they are ready to be present on any date fixed by the authority for demarcation of their land and would not indulge in any assault. He further submits that no overt act has been committed by the petitioners and are having peaceful possession on the plot legitimately owned by them.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstance of the case and materials on record, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction



of learned Judicial Magistrate, 1st class, Raxaul at Motihari in connection with Chhauradano P.S. Case No. 44 of 2015, subject to the conditions that the petitioners will co-operate in demarcation of the land in pursuance of the order passed in C.W.J.C. No. 1302 of 2016 dated 09.11.2016 and not indulge in any assault.

(Nilu Agrawal, J)

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