

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3096 of 2017

Arising Out of PS.Case No. -162 Year- 2016 Thana -CIVIL LINE District- GAYA

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1. Sahid Hussain @ Mister @ Md. Sahid Hussain,
 2. Jahid Hussain @ Md. Jahid Hussain,
 3. Rashid Hussain @ Md. Rashid Hussain, all Sons of late Abul Wahid, resident of village- Kathokar Talab, Police Station- Civil Lines, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Magadh Central Co-operative Bank Limited, Gaya, through its Managing Director, Sri Yatindra Kishore Kushwaha.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Pd. Singh, Sr. Advocate with
Mr. Birendra Kumar Singh, Advocate

For the Opposite Party No.1: Smt. Sahin Begam, APP

For the Opposite Party No.2: Mr. Ishwari Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3/ 16-03-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Civil Lines P.S. Case No.162 of 2016 instituted for the offence under Section(s) 420, 467, 468, 471, 385/120-B Indian Penal Code.

It has been submitted on behalf of the petitioners that vide Annexure-2 to 4, the land, in question, was in possession of the petitioners and they are the genuine holders of the land. The Sessions Judge has also mentioned in the impugned order that *Khatiyani* of municipal survey as well as demand register have been prepared in the name of the petitioners. Rent



receipts are also issued in the name of the petitioners.

Counsel for the Opposite Party No.2 has submitted that the informant got possession over the aforesaid land on 18.10.1959 vide Land Acquisition No.9726 (R) page 3021 Part Bihar Gazette dated 04.12.1957 and since then he is in possession over the same and used to pay holding tax regularly to Municipal Corporation, Gaya. A building was also constructed by the bank on the said land upon which various business are being done by the bank. It is alleged that the accused persons including the petitioners are land *Mafiya* and they are trying to grab the land by preparing forged documents.

After hearing counsel for both the parties, this Court finds that both parties are claiming land on the basis of various papers as mentioned on their behalf. The learned Sessions Judge has also mentioned in the impugned order that revisional *Khatiyani* as well as demand register have been prepared in the name of the petitioners and rent receipts are also issued in their names.

In such circumstances, this Court is of the view that this is purely a matter of civil dispute and civil remedy is available to the informant.

In the facts and circumstances of the case, prayer of



the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Civil Lines P.S. Case No.162 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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