

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33976 of 2018

Arising Out of PS.Case No. -7 Year- 2018 Thana -BATH District- BHAGALPUR

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1. Bishambhar Mishra, Son of Late Arjun Mishra,
2. Karu Mishra @ Ram Manohar Mishra, Son of Bishambhar Mishra, Both
are resident of Village- Mishrapur, P.S.- Bath, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar

For the Opposite Party/s : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 19-07-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP

The petitioners apprehend their arrest in Bath P.S.
case No.07 of 2018 under Sections 380, 461, 504 and 506/34 of
the Indian Penal Code.

The informant alleged that Bishambhar Mishra and
Karu Mishra, the petitioners, forcibly entered into his house
situated in Mishrapur village on 17.02.2018 and uprooted the
name plate of Pandit Bhubneshwar Chaudhary established in
1973. They also broke out the locks and planks of the doors and
took away different articles. The informant having received such
information came to the place of occurrence and enquired from the



petitioners. On such the petitioners said that they are the owners of the land.

The learned counsel for the petitioners submits that petitioners are owners of the land. Petitioners entrusted the house to the informant for the purpose of security but the informant, who happen to be Bhagina of the co-sharer of the petitioners, claimed the house to be his own. It is further submitted that from perusal of Annexure-3, Khatiyani of kheshra no. 1423 and 1425, it would appear that the land stands in the name of petitioner no. 1, Bishambhar Mishra and the nature of the land is house and homestead land.

The learned counsel for the informant, on the other hand, vehemently opposed the prayer for anticipatory bail and submitted that let the case diary be called for but on the last occasion the learned counsel for the informant prayed for two weeks time to file papers to show that the informant is owner of the land. Today learned counsel for the informant submitted that the petitioners sold the land to Poonam Jha in the year 1972 and Poonam Jha agreed to sale the land to the informant after receiving the consideration amount but Poonam Jha did not execute the sale deed.

From perusal of the records, I find that petitioners,



on the face of it, appears to be owner of the house as the same appears from Annexure-3, Page-4 and there appears to be some personal disputes between the petitioners and the informant for which this case has been lodged.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioners, the petitioners, above named, in the event of their 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 are 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 Additional Chief Judicial Magistrate-XIII, Bhagalpur in connection with Bath P.S. case No. 07 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

BKS/Rajan

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