

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67781 of 2018

Arising Out of COMPLAINT CASE No.-127 Year-2018 District- Kishanganj

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1. Aash Mohamad S/o Mohamad Jan
 2. Yar Mohamad S/o Mohamad Jan
 3. Naik Mohamad S/o Mohamad Jan
 4. Md. Jahangir @ Jahangir Mohamad S/o Mohammad Jalil
 5. Md. Yunush @ Yunush S/o Aash Mohamad
 6. Shamshad @ Kurban S/o Aash Mohamad
 7. Shamsheer @ Sher Mohamad S/o Aash Mohamad
 8. Akhtiyar Alam @ Baji S/o Naik Mohamad

All Resident of Village- Gachhpada, Bomabasti (Biharitola), P.S.
and Distt.-Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abdul Gaffur S/o Late Md. Jaki
Resident of Village-Gachhpada (Bomabasti) Bihari Tola, P.S.+Distt.-
Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Shankar Choubey, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 18-12-2018 Heard learned counsel for the petitioners and learned
counsel for the complainant.

The petitioners seek pre-arrest bail in Complaint Case
No. 127 C of 2018 registered under Sections 147, 323, 452, 380,
384, 504 and 506 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that there is an admitted land dispute between the
complainant and the accused persons and due to that the



complainant and his family members have filed several complaint cases against the petitioners. The complainant is descendant of one Md. Subhan, who had sold his land bearing Tauji No. 7, Khata No. 30/437, Khesara No. 698, Thana No. 21, Mauza-Gachhpada admeasuring 44 decimals to the father of the petitioner Aash Mohamad by registered deed in the year 1984 and, since then, the petitioners are under peaceful possession over the said plot. They have constructed house over the plot and now the complainant and his family members are denying the said deed and for that reason, one after another complaint cases are being registered.

Per contra, learned counsel appearing for the complainant submitted that the petitioners are always harassing the complainant and his family members. Earlier complaints were filed in *bona fide* manner and when the petitioners started putting pressure upon the complainant to withdraw the earlier complaints and he refused to abide by their command, they again entered into the house of the complainant and took away several household articles.

Considering the nature of dispute and submissions made above on behalf of the parties, in the event of arrest or surrender before the court below within six weeks from today,



the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in Complaint Case No. 127 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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