

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4666 of 2019

Arising Out of PS. Case No.-578 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Jitendra Mahto, Late Prem Mahto Resident of village- Maszidwa Serhwa P.S.-
Matiyaria, District-West Champaran at present S.H.O Sikrahna, P.S-Sikrhana,
District-Motihari (East Champaran)

... .. Petitioner

Versus

1. The State of Bihar,
2. Bihari Bhar Late Guljar Bhar, Resident of village -Sugauli Dumri Tola,
Bharpatiya, P.S.-Piprashi, District-West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh
For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 07-05-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. C-578 of 2017, registered under
Sections 147, 148, 149, 323, 341, 379, 436, 504 and 120(B) of
the Indian Penal Code.

The accusation is that petitioner Jitendra Mahto
and Suklajee Zamadar, being the Officer-in-Charge and Sub-
Inspector, respectively, of Piprasi Police Station came at the
door of complainant, namely, Bihari Bhar and called him, when
complainant came out from his house then he was abused by



the petitioner and Suklajee Zamadar saying that why he had filed application before S.D.O, Bagha against them and gave threatening to ruined his whole family. At the instigation of petitioner and Suklajee Zamadar, other persons named in the complaint petition having lethal weapons came there boarding on motorcycle and tractor and surrounded the house of complainant and other witnesses and put fire by sprinkling kerosene oil and also started to cause assault to the family members of the complainant and other witnesses then they started fleeing hither and thither in rescue. At that time, petitioner and Suklajee Zamadar removed the burnt materials by flowing water. The cause of occurrence is that due to 09 Bigha, 08 katha and 10 Dhur of land in village-Dumra Muradih, the accused named in the complaint petition started creating nuisance claiming the same, thereafter, the complainant filed the Title Suit No. 43 of 1997 in the Court of Sub-Judge-I, Bagha, which was decided in his favour, thereafter, accused named in the complaint petition filed Title Appeal No. 75 of 2009, which was allowed by Addl. District Judge-II, Bagha. Thereafter, complainant filed Second Appeal No. 128 of 2015, which is pending for disposal. While the complainant and his family members were in possession land are cultivating the same, but petitioner and Suklajee Zamadar dispossessed the same under conspiracy of the accused.



Learned counsel for the petitioner submits that, in fact, the petitioner was posted as Officer-in-Charge of Piprasi Police Station and on the basis of written report of accused No.7 Bidhya Pathak Piprasi P.S. Case No. 28 of 2017 was instituted against complainant and others and the petitioner went on the spot for investigation but only to put undue pressure in investigation, the present case has been lodged by the complainant.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M.1st, Bagha, West Champaran in connection with T.R. No. 2236 of 2018 (Complaint Case No. C-578 of 2017), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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