

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5446 of 2019

Arising Out of PS. Case No.-423 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

1. Dharmendra Mishra, aged about 50 years (male), son of Late Anant Mishra
2. Rohit Mishra, aged about 19 years (male), son of Dharmendra Mishra
3. Ranjit Mishra @ Ranjit Kumar Mishra, aged about 20 years (male), son of Bijendra Mishra
4. Vivek Mishra @ Vivek Kumar Mishra, aged about 21 years (male), son of Bijendra Mishra
All are resident of Village- Mala, P.S.- Chapra Muffasil, District - Saran (Chapra)
5. Kedar Rai, aged about 55 years (male), son of Late Jang Bahadur Rai
6. Sonalal Rai, aged about 40 years (male), son of Kedar Rai
7. Manoj Rai @ Manoj Kumar, aged about 30 years (male), son of Kedar Rai
8. Saroj Rai, aged about 30 years (male), son of Kedar Rai
9. Motilal Rai, aged about 36 years (male), son of Tuntun Rai
10. Umesh Rai, aged about 45 years (male), son of Sukhdeo Rai
11. Ramesh Rai, aged about 60 years (male), son of Ram Janam Rai
5 to 11 are resident of Village-Shivnagari, P.S.- Chapra Muffasil, District - Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 341, 323, 504, 506,
354, 427, 379, 384 and 386 of the Indian Penal Code.

The prosecution case as per the written statement of Rita
Devi submitted to the S.H.O., Chapra Muffasil P.S. is to the



effect that the land appertaining to Khata No.111, S.P. No.151, area 11 khata 12 dhur, situated in Mauza Mala is recorded in the name of the husband of the informant, on which a proceeding under Section 144 Cr. P.C. was initiated and after hearing, order was passed in favour of the informant. Thereafter, from 26.09.2018 to 30.09.2018, the informant erected a boundary wall on the said land in presence of police. It is further alleged that on 30.10.2018, the informant received an information that the petitioners were demolishing the boundary wall on her land, whereupon the informant reached on the spot. On protest being made, the accused persons demanded Rs.10 lacs as extortion and they also took away 22 bags of cement and 01 quintal of iron rod. It is further alleged that earlier the petitioners had also committed theft of bundles of *Arhar* crops from the field of informant, leading to registration of Chapra Mufassil P.S. Case No.186 of 2018.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled against the petitioners. The petitioners claim the land belonging to their ancestors, on the ground that one Ram Narayan Mishra, the ancestor of the petitioner no.1, purchased the land in question from one Mahendra Pandey. It is further submitted that



the land in question was duly mutated and the petitioners have been paying rent to the Govt. of Bihar for the land in question.

It is submitted by learned APP for the State that the accusation is specific against the petitioners.

Considering the fact that the accusation is being levelled in the background of serious title dispute, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **C.J.M., Chapra, Saran** in connection with **Chapra Muffasil P.S. Case No.423 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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