

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16717 of 2019**

Arising Out of PS. Case No.-211 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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ROHIT KUMAR SINGHANIA @ ROHIT KUMAR, Son of Om Prakash
Singhanian, Resident of Lal Bazaar, Ward No. 20 Near Panchayati Mandir
Gali, Bettiah, P.S.- Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

For the Opposite Party/s : Mr. Rajiv Nayan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 25-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 406, 420, 467, 468,
471, 120 (B), 323, 324, 341, 386, 387, 327, 504 and 506/34 of
the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case got initiated with filing of Complaint



Case No.378 C of 2018 by Amit Kumar which ultimately got registered as a police case after the same being transferred under Section 156 (3) of the Cr. P.C.

The prosecution case is to the effect that the complainant and the petitioner are agnate and they have huge ancestral properties in different mauzas of the district. It is alleged that when the government and others tried to encroach the ancestral land of the complainant, then the father of the petitioner, Om Prakash Singhanian being, the eldest member of the family, filed a Title Suit No.61 of 1986 which was decided in favour of the father of the petitioner on 28.06.1990. Thereafter, there was a partition between the parties by Partition Suit No.66 of 1995-96 in which land appertaining to Khata No.295, Plot No.701 and 709, Circle Nautan, Mauza Dhumnagar was decreed in favour of the father of the complainant and subsequently Jamabandi was created for the land in question. In the year 2005, the Circle Officer, Nautan cancelled the Jamabandi, as a result, the father of the petitioner filed R.M. No.133 of 2007-08 wherein the Collector after finding the Title Suit and Jamabandi true reverted the records to Court of D.C.L.R., Bettiah and in that background, Case No. 11/2010-11 is pending in the Court of D.C.L.R., Bettiah. It is further alleged that the said Om Prakash



Singhanian by concealing the aforesaid facts, filed an appeal on 06.07.2015 being Appeal Case No.33 of 2015-16 in the Court of D.C.L.R., Bettiah in collusion with the other accused persons including the petitioner and thereafter with an intention to grab the property of the informant, prepared forged documents. On 11.03.2018, when the complainant came to know that the accused persons tried to sell the land in question, the complainant reached on the spot and made protest, whereupon the co-accused Kailash Kumar Singhanian pointed pistol on the chest of the complainant and demanded Rs.50,000/- as extortion and threatened him that if he fails to fulfill the same, they will sell the land in question to some miscreants on the basis of forged documents and also threatened the informant and his father to kill. It is also alleged that the accused persons snatched a gold chain worth Rs. 90,000/- and a diamond ring worth Rs. 1,50,000/- from the complainant.

It is submitted by learned counsel for the petitioner that in the background of serious property dispute, the petitioner has been roped in the present case. It is further submitted that the sale deed has been executed by the co-accused Kailash Kumar Singhanian. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



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

Considering the accusation arising out of civil nature of dispute, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of the learned **C.J.M., Bettiah, West Champaran** in connection with **Bettiah (T) P.S. Case No.211 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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