

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21053 of 2019

Arising Out of PS. Case No.-830 Year-2018 Thana- KHAJANCHI HAT District- Purnia

1. MD. AJIMUDDIN @ MD. AZIMUDDIN, Son of Late Wajid Ali, Resident of Village - Madhopara, P.S.- K.Hat, Distt.- Purnea.
2. Jitendra Kumar, Son of Late Shiv Narayan Yadav, Resident of Village - Tatmatoli, P.S.- K.Hat, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najeeb Ahmad

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2019 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, 452, 427, 384 and 504/34 of the Indian Penal Code.

The prosecution case as per the written report of Dhruv Narayan Sahni submitted to the S.H.O., K. Hat (Sahyak) P.S. is to the effect that land appertaining to R.S. Khata No.75, Plot No.4 and 6, situated in Mouza Madhopara, Ward No.42, total area of 47 decimals is ancestral land of the informant and he



has been residing on the said land. The land in question is recorded in the name of Sudist Mistri, grandfather of the informant but one late Shiv Narayan Yadav, father of petitioner no.2, who is a land broker, claims the land in question on the basis of forged documents and filed an application before the Superintendent of Police, Darbhanga. It is alleged that Jitendra Kumar, petitioner no.2 co-accused Chandrakala Devi and Rina Devi claim to be the son, wife and daughter of late Shiv Narayan Yadav respectively. It is further alleged that on 11.11.2018 on the eve of Chatth Puja, petitioners along with 15-20 others came variously armed and after breaking the lock, forcefully entered into the house of the informant. It is also alleged that on 03.12.2018, the petitioners along with their associates tried to break the lock of two other rooms of the house in which the family members of the informant reside and they also demanded Rs.50 lacs as extortion for allowing the informant to remain in possession of the house.

It is submitted by learned counsel for the petitioners that for the occurrence of 11.11.2018, FIR has been registered on 05.12.2018, without giving any explanation for delay in registering the FIR. It is further submitted that the father of petitioner no.2, filed a Title Suit No.99 of 2008, claiming the



land in question on the basis of registered sale deed dated 14.12.1993. It is further submitted that the possession of ancestor of petitioner no.2 declared in a proceeding, being Case No.482M of 1996 under Section 145 Cr. P.C, vide order dated 06.05.1997 passed by Executive Magistrate, Purnea and the informant's side filed Misc. Case No.16 of 2014 for setting aside decree passed in T.S. No.99 of 2008, in favour of the petitioners which is still pending. Moreover, petitioner no.2 was in possession over the land in question from the time of his ancestor and petitioner no.1 has been residing as a tenant of petitioner no.2 on the basis of agreement of tenancy dated 01.04.2017, which was subsequently extended by petitioner no.2.

It is submitted by learned APP for the State that the petitioners forcefully entered into the house of the informant after breaking the lock.

Considering the accusation being levelled in the background of litigated relation between the parties and a title suit with regard to the land in question is still pending, 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 **CJM, Purnea** in connection with **K. Hat (Sahyak) P.S. Case No.830 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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