

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24553 of 2019

Arising Out of PS. Case No.-351 Year-2018 Thana- BAIRIYA District- West Champaran

1. Pappu Kumar Son of Nandlal Sah Resident of Village - Malahi Tola, P.S.- Bairiya, District - West Champaran.
2. Nandlal Sah @ Nandlal Prasad Jaiswal Son of Late Lagan Sah Resident of Village - Malahi Tola, P.S.- Bairiya, District - West Champaran.
3. Ambika Mahto @ Amika Mahato Son of Late Ganesh Mahto Resident of Village - Khairatiya Baldiha, P.S.- Nawalpur, District - West Champaran.
4. Lakshuman Bhagat @ Laxman Bhagat Son of Mithu Bhagat Resident of Village - Baghambarpur, P.S.- Bairiya, District - West Champaran.
5. Rasul Mian Son of Nathu Mian @ Nathun Mian @ Nathuni Mian, Resident of Village - Malahi Tola, P.S.- Bairiya, District - West Champaran.
6. Baldeo Prasad Gupta @ Baldeo Sah Son of Late Bauk Sah, Resident of Village - Nawalpur Bazar, P.S.- Nawalpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kant Mani Tripathi
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-04-2019 Learned counsel for the petitioners submits that petitioner no.1 Pappu Kumar has already been arrested and thus the anticipatory bail petition filed on behalf of Pappu Kumar (petitioner no.1) has become infructuous.

Accordingly, the anticipatory bail petition of petitioner no.1 (Pappu Kumar) is dismissed as has become infructuous.



Heard both sides.

The petitioners apprehend their arrest in Bairiya P.S. Case No.351 of 2018 registered under Sections 420, 467, 468, 471, 385, 504, 506 and 34 of the Indian Penal Code.

The informant alleged that his great grandfather had purchased 10 katha and 6 dhoor land of Khata No.262, Khesra No.143 from Bisheshar Koiri but Pappu Kumar (petitioner no.1, who has been arrested), Nandlal Sah, Baldeo Prasad Gupta and others illegally and fraudulently purchased the same lands from Ambica Mahto, who claimed to be the great grandson of Bisheshar Koiri.

Learned counsel for the petitioners submits that Ambica Mahto is a great grandson of Bisheshar Koiri and Bisheshar Koiri sold the land in favour of Pappu Kumar, Nandlal Sah and Baldeo Prasad Gupta. Laxman Bhagat (petitioner no.4) and Rasul Mian (petitioner no.5) are witnesses of the sale deed. There is bonafide land dispute between two sides. One Prakash Kumar, son-in-law of petitioner no.6, filed Title Suit No.130 of 2015 against the nephew and brother of the informant alleging therein that the great grandfather purchased 10 dhoors of land from Bisheshar Koiri in the year 1919.

Learned counsel for the informant, on the other hand,



vehemently opposed the prayer for anticipatory bail of the petitioners.

From perusal of the F.I.R., it appears that the dispute is of civil nature. Ambica Mahto, who is great grandson of Bisheshar Koiri executed sale deeds in favour of petitioner nos.1, 2 and 6 on the basis of which they claimed their title. Petitioner nos.4 and 5 are witnesses of sale deeds.

Having considered the facts aforesaid, petitioner nos.2, 3, 4, 5 and 6, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VII, Bettiah West Champaran in connection with Bairiya P.S. Case No.351 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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