

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68007 of 2018

Arising Out of PS. Case No.-1426 Year-2016 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Bilash Mahto, Son of Late Chulhai Mahto.
 2. Indradev Rai, Son of Late Rudal Rai. Both residents of Nawada, Naya Tola, P.S. Karja, Distt.-Muzaffarpur.
 3. Pankaj Rai @ Panakaj Kumar, Son of Kapildev Rai, resident of Village- Narhar Sarai, P.S. Karja, Distt.-Muzaffarpur.
 4. Manjay Rai @ Manjay Kumar, Son of Bhubneshwar Rai, resident of Village- Jhakhara, P.S. Karja, Distt.-Muzaffarpur.

... .. Petitioners

Versus

1. The State of Bihar.
2. Arun Kumar Singh, Son of Late Madhusudan Prasad Singh of village- Amaitha, P.S. Saraiya, Distt.-Muzaffarpur.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr.Arun Kumar, Advocate.
For the Opposite Party : Smt. Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-01-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 120(B), 323, 504, 427,
379, 406 and 420 of the IPC.

The prosecution story, in brief, is that the complainant
is a Teacher and handed over the land of Area 77 decimal to the
petitioner nos. 1 and 2, namely, Bilash Mahto and Indradeo Rai
for cultivation purpose. It is further alleged that the accused
persons were taking out soil for bricks in the *Bhatta* of



petitioner no. 3 Pankaj Rai and on that information when the complainant reached upon his land it was found that the accused persons were removing the soil and loading the soil over a truck and also were cutting Mango and Shisham trees. It is further alleged that accused persons committed fault and also committed misappropriation of the land.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. Offences are triable by the Magistrate. The matter relates to civil dispute.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Muzaffarpur, in connection with Complaint Case No.



1426 of 2016 (Trial No. 2189 of 2018), subject to the conditions
as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

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