

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48371 of 2018

Arising Out of PS. Case No.-1594 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Madan Mohan Nath Tiwary, Son of Late Nand Kumar Tiwary, Resident of Village- Chandiashtan Police Station- Govindganj, District- East Champaran.
 2. Gautam Sharan Tripathi @ G.A. Triphati, Son of Parshuram Tripathi, Resident of Village- Areraj Ward No. 3, Police Station- Govindganj, District- East Champaran.
 3. Subash Giri alias Subhash Giri alias Bhairav Shankar Giri, Son of Narendra Giri alias Sudish Giri, Resident of Village- Areraj Ward No. 9, Police Station- Govindganj, District- East Champaran.
 4. Chandeshwar Giri alias Bharti Giri alias Bharhi Giri, Son of Kashi Giri, Resident of Village- Areraj Ward No. 9, Police Station- Govindganj, District- East Champaran.
 5. Bhola Das, Son of Prabhu Das, Resident of Village- Areraj Ward No. 10, Police Station- Govindganj, District- East Champaran.
 6. Om Prakash Tiwary, Son of Sitaram Tiwary, Resident of Village Malahi, Police Station- Govindganj, District- East Champaran.
 7. Shivnath Pandey, Son of Late Brahmdeo Pandey, Resident of Villgae- Areraj Ward No. 3, Police Station- Govindganj, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mahanth Ravishankar Giri, Chela of Late Mahanth Shivanand Giri, Resident of Areraj Math and Tample at Village- Areraj Police station- Govindganj, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar
For the Opposite Party/s : Mr.Sri Madhuranand Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 07-01-2019 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 147,323, 384 and 506 of the IPC.



The prosecution case, as per the complaint petition, filed by Mahanth Ravi Shankar Giri is to the effect that the complainant claims himself as a Mahanth of Someshwar Nath Mahadeo Temple and Math. He also claims the said temple and math as his ancestral property and hence he further claims that anybody can be Mahanth of the temple and math from the family of the complainant. The complainant further claims that the said temple and math have been registered under Bihar State Hindu Religious Trust Board. On 08.12.2015, a committee was constituted by said council for supervision and administration of the math for duration of five years. The tenure of the said committee expired on 07.12.2016 and subsequently, new committee was constituted. It is alleged that since the order of the court has come into effect, officials of former committee are obstructing the programs of the temple and math in question. It is further alleged that on 10.07.2017, at 9 AM, all the accused persons came to the temple and demanded Rs. 500/- and Rs. 1,000/- as extortion from the devotees. It is further alleged that co-accused Madan Mohan Nath Tiwari demanded Rs. 10,000/- as extortion from the complainant and pushed him and also gave him life threat.

It appears that vide order dated 31.10.2018, notice was



issued to the complainant/opposite party no.2 and consequently, he entered his appearance. Subsequently, vide order dated 02.01.2019, the matter was adjourned at the behest of the complainant, but today none is appearing on his behalf.

It is submitted by learned counsel for the petitioner that the whole accusation has been levelled in the background of dispute with regard to holding the management and administration of the temple and math in question. The petitioner no.1 claims to be the Secretary of the math nominated by the Bihar State Hindu Religious Trust Board. Moreover, a dispute with regard to management of the temple and math in question is pending before this Court being Miscellaneous Appeal No. 522 of 2017.

Learned counsel for the State submits that after finding prima facie case, cognizance has been taken against the petitioner.

Considering the accusation levelled in the background of serious litigated dispute with regard to management of the Math and Temple in question, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the



satisfaction of learned ACJM-VI, East Champaran, Motihari in connection with Complaint Case No. C-1594 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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