

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51783 of 2019

Arising Out of PS. Case No.-155 Year-2018 Thana- RUPASPUR District- Patna

1. Harendra Kumar Dixit @ Harendra Dixit @ Pandit Jee, Aged about 65 years, Male, Son of Sher Lal Dixit, Resident of Aparna Colony, Phase-II, P.S. Rupaspur, District Patna.
2. Dharendra Kumar Jha @ Dharendra Jha, Aged about 52 years, Male, Son of Devanand Jha, Resident of Aparna Colony, Phase-II, P.S. Rupaspur, District Patna.
3. Mukund Kumar Chauhan, Aged about 48 years, Male, Son of Karamchand Chouhan, Resident of Aparna Colony, Phase-II, P.S. Rupaspur, District Patna.
4. Ramjee Singh, Aged about 45 years, Male, Son of Sudarshan Singh, Resident of Aparna Bank Colony, Phase-I, P.S. Rupaspur, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-08-2019 Heard both sides.

Petitioners apprehend their arrest in Rupaspur P.S.

Case No.155 of 2018, registered under Sections 147, 148, 448, 341, 323, 384, 354, 504, 506, 379 and 427 of the Indian Penal Code.

The informant alleged that she by getting the sale deed registered constructed house on Plot No. A/285, Area 2700 sq. ft. On 20.04.2018 when she was along with Punam Devi, Ramjee Singh, petitioner no.4, Mukund Chauhan, petitioner



no.3, Pandit Jee, petitioner no.1 and Dhirendra Jha, petitioner no.2 and others came and began to abuse. Dhirendra Jha, petitioner no.2 assaulted the informant with iron rod. Ramjee Singh, petitioner no.4 torn her clothes. It is further alleged that Ramjee Singh also snatched her ornaments. Mukund Chauhan and Pandit Jee also snatched ornaments from the possession of Punam Devi.

Learned counsel for the petitioners submits that the petitioners are also member of Aparna Housing Society. Prior to institution of the case on the basis of the fardbeyan of Janki Devi, wife of Surendra Dixit, a member of the Society, Rupaspur P.S. Case No.154 of 2018 was registered against Upendra Singh, the husband of the informant and others. It is further submitted that Upendra Sharma, the husband of the informant Malti Devi, filed Title Suit No.52 of 2019 in the court of Sub-Judge, Ist, Danapur in which the petitioners and others are defendants. Infact the informant was not legally allotted any plot in the Society but she constructed house on some portion of the plot which was allotted to another person and that is why there is a bona fide civil dispute between the two sides.

Taking into consideration the facts that there appears to be a bona fide dispute amongst the members of the Society



for allotment of plots and for that both sides lodged their case with their own version being Rupaspur P.S. Case No.154 of 2018 and Rupaspur P.S. Case No.155 of 2018 and the fact that Upendra Sharma, the husband of the informant of the present case, also filed Title Suit No.52 of 2019, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail 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 A.C.J.M.-II, Danapur, Patna in connection with Rupaspur P.S. Case No.155 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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