

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57188 of 2019

Arising Out of PS. Case No.-67 Year-2010 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. JEEVNATH JHA Son of Late Janardan Jha, Resident of Village - Chaugama, P.S.- Bahera, Dist.- Darbhanga.
 2. Anand Kumar Jha Son of Jeevnath Jha, Resident of Village - Chaugama, P.S.- Bahera, Dist.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Lakhan Mishra @ Ramu Late Danik Lal Mishra, Resident of Village- Chaugama, P.S- Bahera, Distt- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Sheela Pandey
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-09-2019 Heard learned counsel for the petitioners, learned senior counsel for the complainant and learned A.P.P. for the State.

Petitioners apprehend their arrest in Complaint Case No.67 of 2010 for the offences allegedly committed by the petitioners under Sections 341, 147, 149, 420, 406, 409 and 386 of the Indian Penal Code.

The gist of the allegation against the petitioners is that the petitioners have encroached upon plot nos.920 and 921, area 8 decimals of khata no.889, which is used as cremation ground and also encroached the egress and ingress of common people.



It is further alleged that the petitioners have also sold some piece of lands.

Learned counsel for the petitioners submits that the entire allegation is false and concocted. The lands are in possession of the petitioners. If the petitioners are encroachers, the authority may take appropriate step for removal of encroachment from public land. The complainant filed C.W.J.C. No.17282 of 2010 making allegation that the petitioners and others had encroached upon the government land and on such, the Division Bench by order dated 27.07.2011 directed the concerned authority to visit the spot and if the petitioners were found to have encroached upon the public land, a proceeding under Section 133 of the Cr.P.C. be initiated for removal of encroachment from public land.

On the other hand, learned senior counsel for the complainant submits that the petitioners are in the habit of selling different public lands meant for the use of common people.

It appears that the fact itself shows that both sides are on litigating term from before. The complainant alleged that the land in question is public land. The petitioners claimed the land as their own land and they have constructed house thereon.



Having considered the facts and the nature of allegation made against the petitioners, the above named petitioners, 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 S.D.J.M., Benipur, Darbhanga in connection with Complaint Case No.67 of 2010, 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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