

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63510 of 2019**

Arising Out of PS. Case No.-329 Year-2019 Thana- CHIRAIYA District- East
Champaran

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1. PRAMOD KUMAR SINGH @ PRAMOD SINGH S/o Chandradev Singh
Resident of Dhanauji, P.S.- Pakaridayal, District- East Champaran
 2. Manoj Singh S/o Chandradev Singh Resident of Dhanauji, P.S.-
Pakaridayal, District- East Champaran
 3. Baidnath Singh S/o Ram Nagina Singh Resident of Dhanauji, P.S.-
Pakaridayal, District- East Champaran
 4. Birendra Rai S/o Nawab Rai Resident of Dhanauji, P.S.- Pakaridayal,
District- East Champaran
 5. Rup Narayan Rai S/o Nawab Rai Resident of Dhanauji, P.S.- Pakaridayal,
District- East Champaran
 6. Ram Babu Prasad Yadav S/o Kamal Rai Resident of Dhanauji, P.S.-
Pakaridayal, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Anuj Kumar, Advocate.

For the Opposite Party: Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 342, 448, 327, 379, 420, 427, 440, 467, 468, 470 of the Indian Penal Code registered in connection with Chiraiya (Sikarganj) P.S. Case No. 329 of 2019.

3. It is submitted that the petitioners have been falsely implicated on the accusation of having created *jamabandi* and mutation in their favour in collusion with revenue staff. It is however submitted that the petitioners were the owners of a part



of the total land measuring 12 *katha* and 4 *dhurs* in terms of various sale deeds enclosed as Annexures- 6, 7, 8 and 9 to the supplementary affidavit which have duly been purchased by them after payment of consideration of amount. Reference is invited to the letter dated 26.10.2018 (Annexure-3) issued by the Headmaster of the Rajkiya Madhya Vidhayalaya, Sirauna, according to which no documents relate to the land in respect of the school building standing on the subject land. Similarly the letter dated 25.10.2018 of the Station House Officer, Sikarganj Police Station (Annexure-4) also shows that there are no documents in connection with the land with respect to the building of the police station also situated on the said land. The Circle Officer's letter dated 03.11.2018 (Annexure-5) corroborates the petitioner's stand. More significantly, Title Suit No. 64 of 2019 has been filed which is pending in the Court of learned Subordinate Judge, Sikrahana at Dhaka. It is therefore submitted that the dispute between the parties is at best of civil nature involving title dispute over the land. Petitioner no. 6 is accused in one prior case of bailable nature while the other petitioners claim clean antecedents.

4. Learned APP appears and has been heard.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana, East Champaran in connection with Chiraiya (Sikarganj) P.S. Case No. 329 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners



shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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