

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75710 of 2018

Arising Out of PS. Case No.-234 Year-2017 Thana- BARAULI District- Gopalganj

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1. Prabhat Singh @ Prabhat Kumar Singh
 2. Veer Pratap Singh @ Veer Pratap, Both Sons of Bhikhari Singh @ Mahanth Bhikhari Das
 3. Ranjan Singh
 4. Dhanu Singh @ Dhanu Kumar Singh, Both Sons of Prabhat Singh @ Prabhat Kumar Singh
 5. Md. Jalaluddin S/o Late Ismail Mian
 6. Md. Gyasuddin
 7. Md. Sahabuddin
 8. Md. Sherajuddin
 9. Md. Buchun @ Md. Salauddin, All Son of (Petitioner No.6 to 9) Md. Jalaluddin
 10. Sohawan Sah @ Yogendra Sah, S/o Bhabulal Sah
 11. Vikash Sah @ Vikas Kumar S/o Sohawan Sah @ Yogendra Sah
 12. Bhikhari Singh @ Mahanth Bhikhari Das S/o Chandraman Singh All Resident of Village-Madhampur, P.S. Barauli (Madhopure O.P.) Distt.-Gopalganj
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh
For the Opposite Party/s : Mr.Sri Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-01-2019 At the outset, learned counsel for the petitioners submits that petitioner no.5 has already been arrested, therefore, the prayer for anticipatory bail on behalf of petitioner no.5 has become infructuous on account of his arrest.

Accordingly, the prayer for anticipatory bail on behalf of petitioner no.5 is dismissed as having become infructuous.

Heard Mr. B.K. Singh Chauhan, learned counsel for the petitioners, learned Additional Public Prosecutor for the State and Mr. Jagarnath Singh, learned counsel appearing on behalf of



the informant.

Petitioners apprehend their arrest in Barauli (Madhopur) P.S. Case No.234 of 2017 registered under Sections 147, 148, 149, 323, 379, 504 and 506 of the Indian Penal Code as well as under Section 27 of the Arms Act.

One Dharmendra Kumar Gupta @ Dharmendra Krantikari lodged the FIR by filing a written application alleging therein that the petitioners and others forcibly came inside the premises of the *Math* and took away different utensils worth Rs.50,000/-.

Learned counsel for the petitioners submits that petitioner no.12 is the *Mahanth* of the *Math*. The petitioners filed Title Suit No.114 of 1988. The suit was decreed in favour of the petitioners. The respondents filed Title Appeal No.217 of 2015. There is a bona fide civil dispute. Hindu Religious Trust Board appointed the Managing Committee. The petitioners filed petition for direction to the appellant for giving rendition of accounts and the income and expenditure of the *Math*. On account of all these disputes, this false case has been lodged.

On the other hand, Mr. Jagarnath Singh, the learned counsel for the informant submits that petitioner no.12 has got criminal antecedent but this fact has been concealed. It is further submitted that execution of the judgment and decree passed in



Title Suit No.114 of 1988 has been stayed. The petitioners and others have entered into the premises of the *Math* and took away valuable utensils.

Having considered the facts that there is a bona fide dispute between the petitioners on the one side and informant and others on the other side, the informant is not a party to the suit, the suit filed by petitioner no.12 bearing Title Suit No.114 of 1988 is decreed in favour of petitioner no.12 and the nature of allegations made against the petitioners, 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 this 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 CJM, Gopalganj in connection with Barauli (Madhopur) P.S. Case No.234 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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