

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70254 of 2019

Arising Out of PS. Case No.-271 Year-2019 Thana- KORHA District- Katihar

1. Anjura Khatoon, aged about 32 years, Gender- Female, Wife of Md. Rahim,
2. Md. Habibur Rahman, aged about 52 years, Gender-Male, Son of Late Zafar Ali,
3. Khairun Nisha, age about 50 years, Wife of Md. Habibur Rahman, All residents of village- Binji Vishanpur, P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-12-2019

Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend arrest in connection with
Korha PS Case No.271 of 2019 dated 13.07.2019 instituted
under Sections 341, 323, 342, 324, 326, 353, 307, 224 and
225/34 of the Indian Penal Code.

3. The allegation against the petitioners is that they
had assaulted the police party which had gone to arrest Md.
Rahim, an accused in another case.

4. Learned counsel for the petitioners submitted that
this is a clear case of false implication by the police for oblique



reasons. It was submitted that the son of the petitioners no. 2 and 3 had purchased land from one Janki Devi and had also got mutation in his favour, but the brother of Janki Devi filed Mutation Appeal No.995 of 2017-18 before the Deputy Collector Land Reforms, Katihar, in which by order dated 29.10.2015, the case was disposed off with a direction to return the land to the original landholder and pass a fresh order of mutation only after spot verification. It was submitted that the son of the petitioners no.2 and 3 preferred Mutation Revision No.110 of 2018, which is still pending before the Additional Collector, Katihar. Learned counsel submitted that in the meantime, the Circle Officer, Korha, initiated Miscellaneous Case No.47 of 2018-19 pursuant to the order dated 01.03.2018 passed by the DCLR, Katihar, in Appeal No.995 of 2017-18, in which notices have been issued to the parties. However, it was submitted that prior to the next date fixed in the case, the Circle Officer on 06.07.2018 directed the *Halka Karamchari* to issue rent receipt in favour of one Raghunandan Mahto, who was the father of the vendor of the son of petitioners no. 2 and 3. Learned counsel submitted that thereafter the illegal action of the authorities started, inasmuch as, a *Panchayati* was held and under coercion the petitioners were compelled to pay rupees



fifty thousand for the crop that had been grown over the land in question, and also undertook that they would vacate the land, giving up their claim on the same. It was submitted that the same was held directly under the patronage of the Circle Officer, Korha and the local police and was totally a document created under threat and coercion. Learned counsel submitted that it cannot be believed that a person would give up his claim despite having filed an appeal and at the same time would also pay rupees fifty thousand. Learned counsel submitted that for such coercive action, the son of the petitioners no.2 and 3 has lodged Complaint Case No.1988 of 2018 against the brother of the vendor from whom the son of petitioners no. 2 and 3 had bought the land, and also against the Officer-in-Charge, Korha PS, and Circle Officer, Korha, in which, besides the Complainant giving statement on solemn affirmation, four other witnesses have been examined and all have supported the prosecution story. It was, thus, submitted that as a retaliation, the present case has been instituted in which even women family members have been made accused.

5. Learned APP submitted that the petitioners along with two others are accused of assaulting the police party.

6. Considering the facts and circumstances of the case



and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, in Korha PS Case No.271 of 2019 subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. Any violation of the terms and conditions of the bonds shall lead to cancellation of their bail bonds.

8. The application stands disposed off.

(Ahsanuddin Amanullah, J)

J. Alam/-

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