

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78756 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- CHAUSA District- Madhepura

1. PAWAN MUNI Son of Late Baldeo Muni Resident of Village- Tirmuhi, P.S.- Chousa (Fulout O.P.), District- Madhepura.
2. Bikash Muni Son of Late Baldeo Muni Resident of Village- Tirmuhi, P.S.- Chousa (Fulout O.P.), District- Madhepura.
3. Niranjana Kumar @ Niranjana Muni Son of Pawan Muni Resident of Village- Tirmuhi, P.S.- Chousa (Fulout O.P.), District- Madhepura.
4. Abdhesh Kumar @ Abdhesh Muni Son of Pawan Muni Resident of Village- Tirmuhi, P.S.- Chousa (Fulout O.P.), District- Madhepura.
5. Ramotar Muni Son of Late Bhola Muni Resident of Village- Tirmuhi, P.S.- Chousa (Fulout O.P.), District- Madhepura.
6. Sahendra Muni @ Salendra Muni Son of Bhagirath Muni Resident of Village- Tirmuhi, P.S.- Chousa (Fulout O.P.), District- Madhepura.
7. Bilash Muni @ Balbir Muni Son of Bhagirath Muni Resident of Village- Tirmuhi, P.S.- Chousa (Fulout O.P.), District- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandeep Kumar, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Chousa P.S. Case No. 67 of 2019 registered under Sections 341, 323, 379, 385, 504 and 506/34 of the Indian Penal Code and read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that



from a bare perusal of the fardbeyan given by the informant it would appear that there are general and omnibus kind of allegations that all the nine accused persons named in the F.I.R. had come over the land of the informant bearing Khata No. 405, Plot No. 1821 measuring area 41 decimals and being lashed with arms they got started cutting down the crops on which the husband of the informant came there but the accused persons stopped them and threatened them and it is the allegation that they had fired in the air whereafter the informant and her husband came back and called the Panchayati in the village but the accused persons did not come in the said Panchayati.

Learned counsel submits that it is evident from the F.I.R. that it is a case of land dispute in which both the parties are staking their claim. According to the petitioners this is ancestral land of the petitioners, no overt act has been alleged against any of the petitioners and the name of one of the petitioners Pawan Muni who is on bail after being convicted in Chausa P.S. Case No. 138/2013 has been purposely brought in this case and so far as the other petitioners are concerned, petitioner nos. 2 & 5 have been



made accused in a case relating to land dispute only, the petitioners deserve the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the nature of allegations which clearly demonstrate that the parties are having a land dispute and they had been quarreling over the cutting down of the crops but in the alleged occurrence there is no allegation muchless any specific allegation that these petitioners had fired upon the informant or upon her husband and/or in any way committed any bodily assault, let the above-named petitioners, in the event of their arrest/surrender before the court below within a period of four weeks from today, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Chousa P.S. Case No. 67 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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