

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4963 of 2020

Arising Out of PS. Case No.-101 Year-2019 Thana- CHHABILAPUR District- Nalanda

1. Binda Thakur, Son of Late Lakhan Thakur Resident of Village - Lodipur, P.S.- Chhabilapur, District - Nalanda
2. Binesh Thakur Son of Late Lakhan Thakur Resident of Village - Lodipur, P.S.- Chhabilapur, District - Nalanda
3. Awdhesh Thakur Son of Binesh Thakur Resident of Village - Lodipur, P.S.- Chhabilapur, District - Nalanda
4. Shanti Devi Wife of Binda Thakur Resident of Village - Lodipur, P.S.- Chhabilapur, District - Nalanda
5. Bibha Devi Wife of Dayanand Thakur Resident of Village - Lodipur, P.S.- Chhabilapur, District - Nalanda
6. Dayanand @ Bittu Thakur Son of Binda Thakur Resident of Village - Lodipur, P.S.- Chhabilapur, District - Nalanda
7. Lalmuni Thakur Son of Bind Thakur Resident of Village - Lodipur, P.S.- Chhabilapur, District - Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Prasad

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 29-01-2020 Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner No.1 Binda Thakur and petitioner No.7 Lalmuni Thakur, as they have already been apprehended by the Police.

In view of the above, the application filed on behalf of the petitioner Nos. 1 and 7 is dismissed as withdrawn.

Heard learned counsel for the petitioner Nos. 2 to 6 and the learned A.P.P. for the State.

The petitioners apprehend their arrest in



connection with Chhabilapur P.S. Case no. 101 of 2019, registered under Sections 341, 323, 384, 508, 406 and 427/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that complainant/informant Ramjanam Singh purchased seven decimal of land on 26.07.1976 from Bibi Bola, wife of Late Rashid Mian situated in village-Lodipur covering under Khasra No. 2006, which is situated in the south of plots of Shashi Bhushan Prasad and Ekrai Mian and in the purchased plot, the complainant/informant constructed a small house for the purpose of keeping cement, but on 25.01.2018, all the persons named in the complaint petition, including the petitioners, variously armed with weapon came there and asked why the room has been constructed without giving ransom. When complainant made protest they all started to abuse him and they also damaged the room. The informant went to the Police Station and gave his fardbeyan to Police thereupon, the Police assured him about taking action. On 29.01.2018, the informant, again, went to the Police Station then he was informed by the Police that the matter has been referred to SDO office.

Learned counsel for the petitioners No. 2 to 6 submits that, in fact, the land in question is in possession of the



petitioners, but complainant/informant Ramjanam Singh tried to grab the same for which hot talks were exchanged and Complainant filed Complaint Case No. 115 (C) of 2018 in the Court of Chief Judicial Magistrate, Bihar Sharif, Nalanda, which has been sent to the concerned P.S. under Section 156(2) Cr.P.C. on which basis the present case has been lodged. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners No. 2 to 6, namely, Binesh Thakur, Awdhesh Thakur, Shanti Devi, Bibha Devi and Dayanand @ Bittu Thakur be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Chhabilapur P.S. Case No. 101 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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