

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11186 of 2020

Arising Out of PS. Case No.-377 Year-2019 Thana- MAJHAULIA District- West Champaran

Chhathu Miyan @ Kalamuddin Miyan Son of late Hafiz Miyan Resident of
Village - Ahwar Sheikh, P.S.- Majhaulia, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sachida Nand Rai
	Mr. Brij Kishore Mishra
For the Opposite Party/s :	Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 18-06-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner seeks bail in Majhaulia P.S. Case No.
377 of 2019 registered for the offence under Sections 341, 323,
489, 379, 420, 384/34 of the Indian Penal Code.

As per prosecution case, 20 Decimal land was settled
in the name of informant's mother and rent was being paid and
after measurement by the *Anchal Amin*, the land was
demarcated for erecting the edge. It is alleged that when
informant went there to erect the edge, then the accused persons,
including the petitioner, obstructed him and pushed him on the
ground, as a result of which, he received neck injury. It is further
alleged that accused persons took away pillar, which was
inserted for demarcation.



It is submitted on behalf of petitioner that admittedly, there is land dispute in between the parties and land in question is *gair-majarua*, which cannot be settled to anyone. There is no overt act against the petitioner. It is further submitted that petitioner has no criminal antecedent and two similarly situated co-accused persons have already been granted anticipatory bail by this Court, vide order dated 19-12-2019 passed in Cr. Misc. No. 84339 of 2019 (Annexure – 2 to the petition).

Considering the aforesaid facts and circumstances, the bail application is allowed.

In the event of arrest or surrender within a period of six weeks from today, let the above-named petitioner be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, District – West Champaran in connection with Majhulia P.S. Case No. 377 of 2019, subject to condition, as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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