

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12846 of 2020

Arising Out of PS. Case No.-1035 Year-2019 Thana- ARARIA District- Araria

1. Jyotish Thakur Son of Late Panch Lal Thakur Permanent Resident of - Om Nagar, Ward No. - 8, P.S. - Araria, District - Araria.
2. Dropadi Devi @ Drorpati Devi Wife of Bahadur Thakur @ Rambahadur Thakur Permanent Resident of - Om Nagar, Ward No. - 8, P.S. - Araria, District - Araria.
3. Kishor Sah @ Kishor Kumar Sah Son of Late Ramkhelawan Sah @ Ram Khelanand Sah Permanent Resident of - Om Nagar, Ward No. - 8, P.S. - Araria, District - Araria.
4. Pradeep Sah Son of Late Lakhan Sah Permanent Resident of - Om Nagar, Ward No. - 8, P.S. - Araria, District - Araria.
5. Rajendra Paswan Son of Uttam Lal Paswan Permanent Resident of - Om Nagar, Ward No. - 8, P.S. - Araria, District - Araria.
6. Chandni Devi @ Chandan Devi Wife of Baiju Sah Daughter of Uma Devi, Permanent Resident of - Om Nagar, Ward No. - 8, P.S. - Araria, District - Araria.
7. Rambha Devi Wife of Prakash Sah @ Om Prakash Sah Permanent Resident of - Om Nagar, Ward No. - 8, P.S. - Araria, District - Araria.
8. Gajendra Patel Son of Late Satpana Rai Nag Permanent Resident of - Om Nagar, Ward No. - 8, P.S. - Araria, District - Araria.
9. Raniya Devi @ Rangiya Wife of Gayanand Thakur @ Gajanand Thakur Permanent Resident of - Om Nagar, Ward No. - 8, P.S. - Araria, District - Araria.
10. Ranjana Devi Wife of Dinesh Sah Permanent Resident of - Om Nagar, Ward No. - 8, P.S. - Araria, District - Araria.
11. Vinit Kumar Son of Late Satpana Rai Nag Permanent Resident of - Om Nagar, Ward No. - 8, P.S. - Araria, District - Araria.
12. Pramod Kumar @ Pramod Sah Son of Late Satpana Rai Nag Permanent Resident of - Om Nagar, Ward No. - 8, P.S. - Araria, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate.
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER



2 03-07-2020 Heard Mr. Radhe Shayam Sharma, learned counsel assisted by Sri Sunil Kumar appearing for the petitioners and the learned A.P.P. appearing for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Araria P.S. Case No. 1035 of 2019, registered under Sections 147, 148, 188, 447, 448, 353 and 427 of the Indian Penal Code.

The accusation is that in the light of order passed in Criminal Appeal No. 869 of 2010 and S.L.P. Criminal No. 5999 of 2010 on 08.07.2013, the S.D.O., Araria, ordered through letter dated 23.08.2013 to remove the possession from the disputed land. Thereafter, the Circle Officer got vacated the house situated over the land in dispute on 31.01.2015 and the houses were locked but again 16 persons named in the FIR including the petitioners took the possession of the houses over the disputed land.

Learned counsel for the petitioners submits that after vacation of the houses situated over the land in dispute petitioners and others never visited there. In fact, regarding aforesaid land in dispute, Title Suit No. 237 of 2013 is pending in between Om Prakash Gupta and the petitioners, but Om



Prakash Gupta managed to lodge the present only to give undue pressure to compromise in the aforesaid Title Suit no. 237 of 2013. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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, Araria, in connection with Araria P.S. Case No. 1035 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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