

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28758 of 2020

Arising Out of PS. Case No.-10 Year-2017 Thana- MATIYARIA District- West Champaran

1. HARI DISVAHA Son of Pathal Disvaha R/o Village- Sherva Masjidva, P.S.- Matiyariya, District- West Champaran, Bettiah.
2. Narendra Disvaha Son of Pathal Disvaha R/o Village- Sherva Masjidva, P.S.- Matiyariya, District- West Champaran, Bettiah.
3. Bipat Disvaha Son of Pathal Disvaha R/o Village- Sherva Masjidva, P.S.- Matiyariya, District- West Champaran, Bettiah.
4. Pardeshi Disvaha Son of Late Balchand Disvaha R/o Village- Sherva Masjidva, P.S.- Matiyariya, District- West Champaran, Bettiah.
5. Biyas Disvaha Son of Late Balchand Disvaha R/o Village- Sherva Masjidva, P.S.- Matiyariya, District- West Champaran, Bettiah.
6. Bijay Disvaha Son of Late Balchand Disvaha R/o Village- Sherva Masjidva, P.S.- Matiyariya, District- West Champaran, Bettiah.
7. Chandan Disvaha S/o Mahavir Disvaha R/o Village- Sherva Masjidva, P.S.- Matiyariya, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aprajita

For the Opposite Party/s : Smt. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and
Smt. Anita Kumari Singh, the learned APP, appearing for the
State.



The petitioners apprehend their arrest in connection with Matiyariya P.S. Case No. 10 of 2017, for the offence punishable under Sections 387/34 of the Indian Penal Code.

The allegation is regarding the accused persons having engaged in illegally ploughing the land of the informant and when the informant had asked them not to do so, they started abusing the informant as also had threatened him with dire consequences and had told him that the khatian of the land is registered in the name of Badri Disvaha from before, hence the land belongs to the accused persons. It is also alleged that the said Badri Disvaha had executed a sale deed in favour of the father of the informant in the year 1936 and thereafter, the informant and his family members had been coming in possession of the said land in dispute, nonetheless, the petitioners herein started demanding a sum of Rs. 50,000/- by way of extortion money, failing which they threatened that they would create a dispute with regard to the said land.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners, by referring to



paragraph no. 9 of the present petition, has submitted that a title suit is pending between the parties bearing Title Suit No. 113 of 2016 before the learned court of Munsif Magistrate, Narkatiyaganj, West Champaran, Bettiah. It is further submitted that there is no allegation of any sort of overt act having been engaged in by the petitioners herein.

The learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioners.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the fact that a title suit is already pending in between the parties from before and there is no allegation of any sort of overt act having been engaged in by the petitioners herein I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned C.J.M. cum Sub Judge II, Supaul in connection with



Kisanpur P.S. Case No. 149 of 2019, subject to the conditions
laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

Tiwary/-

U		T	
---	--	---	--

