

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83144 of 2019

Arising Out of PS. Case No.-586 Year-2018 Thana- JOGAPATTI District- West Champaran

1. Anwar Khan Son of Late Gafoor Khan Resident of Village- Piparahia, P.S.- Nawalpur, District- West Champaran.
2. Aziz Khan Son of Late Gafoor Khan Resident of Village- Piparahia, P.S.- Nawalpur, District- West Champaran
3. Mostt. Nesha Begum @ Nesha Begum W/o Late Mansoor Khan Resident of Village- Piparahia, P.S.- Nawalpur, Dist- West Champaran
4. Mostt- Ainul Khatoon @ Anul Khatoon Wife of Late Sanarool Khan Resident of Village- Piparahia, P.S.- Nawalpur, District- West Champaran.
5. Mostt. Fatma Khatoon @ Fatma Khatoon Wife of Late Ghenghi Khan Resident of Village- Piparahia, P.S.- Nawalpur, Dist- West Champaran
6. Fida Husain Son of Late- Mohamddin Sah Resident of Village- Jaralpur, P.S.- Jogapatti, District- West Champaran
7. Abdul Khan @ Abdul Son of Shaukat Khan @ Sakut Mian Resident of Village- Jaralpur, P.S.- Jogapatti, District- West Champaran
8. Mokhtar Mian Son of Late Basir Mian Resident of Village- Gajana, P.S.- Jogapatti, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arif Daula Siddiquie
For the Opposite Party/s : Mr.Tarun Prasad Mandal

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 09-01-2020 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend thier arrest in
connection with Yogapatti (Nawalpur) P.S. Case no. 586 of
2018, registered under Sections 147, 148, 149, 323, 420, 466,
467, 468, 471, 120(B), 341, 342, 379, 504 and 506 of the



Indian Penal Code and Section 27 of the Arms Act.

The accusation is that land covering in Plot No. 62 of Khata No. 76 in village-Semri Bhawanipur, Circle-Yogapatti, district-West Champaran is of complainant Mustakim Kha and the witnesses, whose name as detailed in the compliant petition. With intention to grab the said land, petitioner Nos. 1 to 5 along with Jakir Kha sold the same land through sale deed to petitioner Nos. 6 to 8 and on the said sale deed Md. Abulash, Rustam Ali, Md. Lukman and Abdul Haque put their signature as witness on the sale deed.

Learned counsel for the petitioners submits that, in fact, the petitioner Nos. 1 to 5 along with complainant and witnesses, whose names detailed in the compliant petition, are Pattidar and on oral partition, the land as detailed in the complaint petition was allocated in the share of petitioner Nos. 1 to 5 and Jakir Kha due to that reasons, they sold the land to petitioner Nos. 6 to 8, but with ulterior motive, the present case has been lodged by the complainant. Further submission is that complainant also lodged Title Partition Suit No. 55 of 2019 in the Court of Sub-Judge, Bettiah impleading the vendors. Further submission is that the dispute is pure civil in nature.

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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti (Nawalpur) P.S. Case No. 586 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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