

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7688 of 2020

Arising Out of PS. Case No.-311 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Amarjeet Rai @ Amarjeet Kumar, aged about 27 years, Gender-Male, son of Ram Babu Rai.
 2. Ram Ekbal Rai @ Ekbal Rai, aged about 70 years, Gender-Male, son of Satai Rai.
 3. Anshu Rai, aged about 35 years, Gender-Male, son of Kodai Rai.
 4. Rajeet Yadav @ Ranjeet Rai, aged about 36 years, Gender-Male, son of Bhola Yadav.

All are resident of Village - Chandrahiya, P.S.- Muffasil, Dist.- East
Champaran.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Mr. Kalyan Shankar, APP
For the Informant	:	Mr. Karandeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 25-10-2021

Heard learned counsel for the parties.

The petitioners seek anticipatory bail in connection with Muffasil P.S. Case No. 311 of 2019 registered under Sections 147, 148, 149, 323, 307, 379, 427, 436, 504, 506/34 of the Indian Penal Code.

From paragraph no.3 of this bail petition, it is apparent that all the petitioners have criminal antecedents. The sheet anchor of the petitioners' case is one title suit filed by plaintiff, Rajeet Kumar Gupta. The plaint of one title suit has been annexed by the petitioners. The petitioners claim the



property through a registered sale deed executed by one of the Khatiyani raiyat in the year 2019. There is no order of any competent Court for eviction of the informant, who is said to be tenant, as per the petitioners. From these facts, it is apparent that the petitioners are local goons involved professionally in evicting tenants, so they do not deserve anticipatory bail. Therefore, the prayer of the petitioners for grant of anticipatory bail is hereby rejected.

The F.I.R is of the year 2019 and till date the petitioners have not been arrested by the local police though there is no interim protection in their favour either by this Court or by any other Court. The petitioners are granted one week's time to surrender before the Court below and seek regular bail. If the petitioners do not surrender on or before 01.11.2021, the Superintendent of Police, Motihari, is directed to get the petitioners arrested by exercising all coercive steps. He is also directed to ask for a show-cause from the Investigating Officer as to what prevented him from arresting the petitioners when they are accused of committing such serious crime. It seems that the local police is in collusion with the persons who are involved in land grabbing. The Superintendent of Police, Motihari, will also give the details of such cases registered in



the district of East Champaran, in which people have tried to forcibly grab the land of persons without any order of the competent Court and what action has been taken in those F.I.Rs. including the status of arrest. This Court cannot be a mute spectator of high handedness of criminals of capturing the lands of persons who are helpless. The District Magistrates and Superintendents of Police are there to protect the Innocent and helpless persons. They should not allow such kind of high handedness and illegal activities in their districts.

The compliance report must be filed by the Superintendent of Police, Motihari, on or before 16.11.2021.

List this case on 16.11.2021.

Let this order be communicated to the Superintendent of Police, Motihari, through fax forthwith.

(Sandeep Kumar, J)

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