

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34707 of 2020

Arising Out of PS Case No.-134 Year-2019 Thana- PARAIYA District- Gaya

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1. Mahabir Yadav, aged about 48 years, Male.
 2. Karu Yadav, aged about 35 years, Male.
Both sons of Late Rohan Yadav.
 3. Mahendra Yadav, aged about 48 years, Male, Son of Jagdish Yadav.
All are resident of Village - Sikandarpur, PS- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gaurav Govind, Advocate
For the State	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Gaurav Govind, learned counsel for the petitioners and Mr. Sunil Kumar Pandey, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Paraiya PS Case No. 134 of 2019 dated 01.09.2019, instituted under Sections 384, 385/34 of the Indian Penal Code

4. The allegation against the petitioners is that when the informant went on his land, they abused him and demanded Rs. 50,000/- as extortion money. It is further alleged that earlier also



they had done the same thing for which Paraiya PS Case No. 21 of 2013 was instituted.

5. Learned counsel for the petitioners submitted that earlier also case under sections 321, 341, 427, 379, 342/34 of the Indian Penal Code was filed on 19.03.2013 against the petitioners. It was submitted that the land belongs to the petitioners and that the father of the petitioner no. 1 and 2, namely Rohan Yadav and father of petitioner no. 3, namely Jagdish Yadav, have filed Title Suit No. 59 of 2010, against the vendors of the land in question which has been transferred in favour of the brother of the informant, Indrajeet Sharma, in which relief of permanent injunction of the suit lands, including the land in question, has been sought. Learned counsel submitted that after the institution of the case, the land in question were transferred to the brother of the informant by sale deed on 20.07.2012 by the defendants Basanti Kumari and her son Pankaj Kumar. Learned counsel submitted that after such purchase, Indrajeet Sharma has also been impleaded as defendant no. 3 in the suit, which is still pending. Learned counsel submitted that the son of late Rohan Yadav had also lodged Paraiya PS Case No. 22 of 2013 on 19.03.20213, against the informant in which cognizance under Sections 147, 323, 341, 379 and 504 of the Indian Penal Code has been taken on



20.06.2016 and non-bailable warrant of arrest is pending against the informant in the said case. Learned counsel submitted that pursuant to liberty granted to file supplementary affidavit, the same has been done in which it has been stated that the land in question is the land which is also part of the lands for which Title Suit No. 59 of 2010 has been filed.

6. Learned APP submitted that the land in question were transferred by registered sale deed in the year 2012 in favour of the brother of the informant and till date, there is no injunction or any other order against the vendors, who may be a defendant in the suit, but in the revenue records, they have been shown to be the owners. It was submitted that in the suit which has been filed, it has been accepted that the vendors of the brother of the informant were claiming title on the basis of a registered sale deed in favour of their ancestors dated 29.01.1952 and further that the *chak khatiyan* entry is in favour of the defendants, though in the suit it has been stated that the same is wrong and that the sale deed dated 27.01.1952 is also void. However, it was submitted that from perusal of the pleading of the suit, copy of which has been made Annexure-2 to the present application, it is apparent that neither there is any prayer to declare the sale deed dated 29.01.1952 as void or for correction of the *chak* entry and the only



relief claimed is that the defendant be permanently restrained from interfering in the peaceful possession of the suit lands, including the present land. Thus, learned APP submitted that the suit itself is of no value on the basis of admitted position and it is apparent that from the petitioners’ side, no steps have been taken to get the suit decided. It was submitted that it is obvious that as of now, the informant side has a legal and valid document with regard to the lands in question which makes it obvious that it is the petitioners/accused who are creating problems and the allegation appears to be correct.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

8. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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