

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35596 of 2020**

Arising Out of PS. Case No.-138 Year-2020 Thana- LAKHNAUR District- Madhubani

1. MD. ABBASH son of late Md. Rafik Resident of Village- Khairi Tola, P.S.- Lakhnaur, District- Madhubani.
2. MD RAJJAK son of Late Md. Rafik Resident of Village- Khairi Tola, P.S.- Lakhnaur, District- Madhubani.
3. MD SATTAR son of late Md. Rafik Resident of Village- Khairi Tola, P.S.- Lakhnaur, District- Madhubani.
4. RAJEENA KHATOON wife of Md. Sattar Resident of Village- Khairi Tola, P.S.- Lakhnaur, District- Madhubani.
5. MD ANABARUL son of Md. Abbash Resident of Village- Khairi Tola, P.S.- Lakhnaur, District- Madhubani.
6. MD KHURSID son of Md. Sattar Resident of Village- Khairi Tola, P.S.- Lakhnaur, District- Madhubani.
7. MD MURSHID son of Md. Sattar Resident of Village- Khairi Tola, P.S.- Lakhnaur, District- Madhubani.
8. GORKI@TAJMUN KHATOON D/O MD. ABBASH Resident of Village- Khairi Tola, P.S.- Lakhnaur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar Jha  
For the Opposite Party/s : Mr. Satyadeo Singh Yadav

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

ORAL ORDER

2      09-04-2021      As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 16.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.



The petitioners apprehend their arrest in connection with Lakhnaur P.S. Case no. 138 of 2020, registered under Sections 147, 148, 149, 341, 323, 353, 504 and 188 of the Indian Penal Code.

The accusation is that on 15.06.2020, informant, being the Circle Officer, Lakhnaur, in the light of memo No. 412, dated 13.06.2020 of S.D.M., Jhanjharpur, along with other Police personnel proceeded for removing the encroachment in respect to old Plot No. 510, new plot No. 2354 of old khata No. 1002, new khata No. 2992 situated in village-Lakhnaur. At that time, nine persons named in the F.I.R., including the petitioners, started to create nuisance in removing the encroachment and all started to abuse and scuffle with the officials.

Learned counsel for the petitioners submits that, in fact, the land, as detailed in the F.I.R. is the purchased land of Late Md. Rafik, father of petitioner Nos. 1 to 3, through sale deed from Sadhu Mahto on 17.05.1999, which would appear from Annexure-2, but with ulterior motive and dirty village politics, the present case has been instituted against the petitioners and other.

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) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-I, Jhanjharpur, Madhubani in connection with Lakhnaur P.S. Case No. 138 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Rajendra Kumar Mishra, J)**

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