

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37893 of 2020

Arising Out of PS. Case No.-75 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. RAJU SINGH S/o Late Ramadhar Singh R/o Village- Dhansir, P.S.- Magadh Medical, District- Gaya
 2. MUKESH SINGH S/o Raju Singh R/o Village- Dhansir, P.S.- Magadh Medical, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Prasad Singh
For the State	:	Mr. Uday Pratap Singh, APP
For the informant	:	Mr. Arbind Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-07-2021 Heard both sides.

The matter has been taken up through video conferencing.

The petitioners apprehend their arrest in Magadh Medical PS Case No. 75/2020 registered under Section 148, 149, 341, 323,324, 308, 506 of the Indian Penal Code.

The informant alleged that land of plot No. 1065, Khata No. 48, area 24 decimal, was recorded in the name of Pratap Narayan Singh, grand father of the informant, and they are in possession. During the revisional survey the said land was wrongly recorded in the name of Modan Singh and others. The informant filed Title Suit for correction of record of rights



in the revisional survey but taking advantage of wrong entry made in the record of rights the accused persons firstly tried to alienate the property and thereafter tried to dispossess the informant and others from the land. The informant further alleged that on 22.04.2020 when his uncle Satendra Kumar Singh and cousin Saket Kumar Singh were going to field the accused persons came having armed with iron rod, Khanti and Lathi. Rajesh Singh assaulted the informant. Mukesh Singh and Raju Singh assaulted Satendra Kumar Singh with iron rod and Lathi causing injury on his hand and head.

The learned counsel for the petitioners submits that there is bonafide land dispute between two sides. It is submitted that petitioners are alleged to have assaulted Satendra Kumar Singh but from perusal of injury report it would appear that there was one sharp cut injury on left index finger and one sharp cut injury on head. Initially the nature of injury was not disclosed but later on the injury was found to be grievous in nature. It is further submitted that there is counter version being Magadh Medical PS case No. 76/2020. The petitioner No.1 is the informant of the case. The petitioners filed Title Suit No. 346/2018 in the court of Civil Judge, Senior Division, Gaya alleging that informant and his family members illegally



encroached the Gaiarmazarua land and canal and that is why the informant of the present case and others threatened the petitioners of dire consequences. It is further submitted that petitioners got injuries on account of assault made by informant side. The petitioners have got no criminal antecedent and they are farmer and medical representative.

The learned APP and the learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submit that informant has categorically stated that land in question was recorded in the name of his grand father in the cadestral survey but during the course of revisional survey by mistake record of rights was prepared in the name of petitioners and others. When the learned counsel for the petitioners was called upon to show any document on the basis of which the aforesaid land was recorded in their names in revisional survey he could not be able to show any document. On the face of it, it appears that petitioners wanted to grab the land on the basis of error or mistake committed by the survey authorities in preparing the record of rights with regard to land in the names of petitioners. The petitioners are assailants of Satendra Kumar Singh and Satendra Kumar Singh got two sharp cut injuries one on left index finger and another on head and the injuries are



opined to be grievous in nature.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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