

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31832 of 2021

Arising Out of PS. Case No.-828 Year-2018 Thana- COMPLAINT CASE District- Supaul

1. Md. Shied Sah @ Md. Shied S/O Sakhawat Sah Resident Of Village Tharvitta, P.S Kishanpur, District-Supaul At Present Sirpunch Gram Panchayat Kishanpur.
2. Satnarayan Choudahry @ Satya Narayan Choudhary S/O Late Bihari Chaudhary R/O Village-Parsa Madho, P.S.-Kishanpur, District-Supaul At Present Ameen Bhoodan Committee Office, Supaul.
3. Ram Sundar Mandal S/O Late Dukha Mandal R/O Village-Danapur, P.S-Parauna, District-Supaul At Present Posted As Clerk Office Of Bhoodan Yug Committee Supaul.
4. Ram Nandan Paswan @ Ramanand Paswan S/O Late Nunulal Paswan R/O Village-Suryapur, P.S.-Pratapganj, District-Supaul At Present Posted As Anchal Kishanpur Mauza Kishanpur Halka Karamchari
5. Ajit Lal @ Ajit Lal Das S/O Kulanand Paswan R/O Village-Ujan, P.S-Sakalpur, District-Darbhangha At Present Posted As Anchal Paddhikari, P.S.-Ladaniyan, District-Madhubani.
6. Rambalak Choudhary S/O Late Kulanand Choudhary R/O Village-Maujamabad, P.S-Bihpur, District-Bhagalpur, At Present Posted As Office Of Mantri Bhoodan Yug Committee Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Sah S/O Late Saryug Sah R/O Village-Tharvibitta Kishanpur, P.S-Kishanpur, District-Supaul At Present Village-Hatbariya, P.S-Pipra, District-Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-02-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed
by the petitioners apprehending their arrest in connection with



Complaint Case No. 828 C of 2018 for the offence under section 420, 467, 468, 471, 120(B), 323, 341/504 of the Indian Penal Code.

The prosecution case as per complaint petition is that 06 decimal land was allotted to the complainant by the Bhoodan Committee but there petitioners in connivance with others created a false document to the effect that complainant was issue-less and had died ten years ago and subsequently got the said land registered in the name of accused No. 1. All the petitioners are conspired for that act.

It is submitted by learned counsel for the petitioners that due to flood in Koshi, the land and house of co-accused Meera Devi and Umesh Kumar Yadav were submerged in Koshi River and they have taken shelter on a vacant and unclaimed land. It is further submitted that after 2-3 years, they came to know that the land in question is Bhoodan Land and the same was allotted to the complainant but he has not taken possession over the said land and his whereabouts was also unknown to the villagers. Thereafter, both the accused persons filed an application for allotment of the land in question in their favour. The matter was thereafter enquired by the District Bhoodan Office and a notice was issued to the complainant but the same was returned unserved with nothing that no person named as Suresh Sah/complainant is residing in the village. Thereafter the President, Bihar Bhoodan Yug Committee issued notice to the complainant and co-accused Umesh Kr. Yadav to appear



and file show cause but the complainant also did not appear. Thereafter, steps were taken by the Bihar Bhoodan Yug Committee for cancellation of allotment of the complainant. Moreover, for a civil nature of dispute, the petitioners cannot be implicated in a criminal proceeding.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Complaint Case no. 828C of 2018, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Supaul subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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