

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31341 of 2021

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

1. Meera Devi W/O Umesh Kumar Yadav Resident Of Village-Tharvitta, P.S Kishanpur, District-Supaul
2. Umesh Kumar Yadav S/O Lakshmeshwar Yadav @ Laksho Yadav Resident Of Village-Tharvitta, P.S Kishanpur, District-Supaul
3. Surendra Choudhary S/O Late Mishri Lal Choudhary R/O Village-Kumarganj, P.S-Kishanpur, District-Supaul At Present Sabhapati Of Aam Sabha Distribution Of Land Bhodan Jug Committee, P.S-Kishanpur, District-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. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-02-2022 Heard learned counsel for the petitioners and

learned APP for the State.

Learned counsel for the petitioners is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to

do so by the office.

The petitioners are apprehending their arrest in



a case registered for the offences punishable under Sections 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 these petitioners in connivance with others created a false document to the effect that complainant was issueless and had died ten years ago and subsequently got the said land registered in the name of petitioner No. 1.

It is submitted by learned counsel for the petitioners that due to flood in Koshi, the land and house of the petitioner Nos. 1 and 2 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, the petitioner Nos. 1 and 2 filed an application for allotting 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 the petitioner No. 2 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.

Considering the aforestated facts, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on



furnishing bail bonds of Rs. 10,000/-(Ten Thousands)
each with two sureties of the like amount each to the
satisfaction of learned Judicial Magistrate, 1st Class,
Supaul in connection with Complaint Case No. 828C of
2018, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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