

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51797 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- JOGBANI District- Araria

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1. Rama Nand Mandal.
 2. Sanou Mandal.
 3. Ramjee Mandal.
All Sons Of Late Gulai Mandal.
All R/O Village- Dakhsin Maheshwari, Ward No.-18, P.S.- Jogbani, District-
Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection
with Jogbani P.S. Case No.54 of 2022 instituted under Sections
406,420 of the I.P.C.

As per the prosecution story, the informant alleged
that petitioners sold the land to the informant but the same
stands acquired by the Indo-Nepal Border Road for which he
has also received compensation. Accordingly, the FIR was
lodged.

It is categorical statement of the learned counsel for
the petitioners that he owns 0.91 decimals of land of which only



32 decimals has been acquired by the Indo-Nepal Boarder Road and compensation received by him.

So far as the land which has been sold to the informant, it is within the rest of the land that he owns and which has never ever acquired by any agency much less the Indo-Nepal Border Road and the informant under the wrong impression has preferred the present case. Further, with the help of paragraphs 9,10 and 11 of the present petition, learned counsel for the petitioners has put forward said submission and in the said background it would be proper to incorporate the aforesaid three paragraphs.

“9. That thereafter the informant and one Dinesh Prasad Sah contacted to the petitioners to purchased 48 decimals out of 1.60 acres though three different sale deeds thereafter from the register-II of Anchal office 48 dec. land was deducted out of 01.60 dec. and rest 91 dec. land is under the possession of petitioners and the petitioners use to pay rent to Government of Bihar regularly by means of Rent Receipt.

Photo copy of Rent Receipt for



*year 2016 is annexed herewith
and marked as Annexure-3 to
this petition.*

*10. That out of 91 dec. 52 dec. land was
acquired by Govt. for constructing Indo-
Nepal Boarder Road and got notice from
D.C.L.R. Araria and procuring all the
process by the Government the cheque of
H.D.F.C. Bank Forbesganj was issued by
D.C.L.R. Araria on 30.04.2021.*

*Typed/Photo copy of order of
Land Acquisition Department is
annexed herewith and marked
as Annexure-4 to this petition.*

*11. That it is also humbly submitted that
pieces of land of the informant was never
acquired by the Government.”*

Taking into account the aforesaid submission of the
learned counsel for the petitioner that the lands sold to the
informant does not stand acquired and the informant can very
well take possession of the said land, which is free from all
encumbrances, this Court is inclined to grant them relief. If



however, it is found that the statement made in paragraphs 9 to 11, does not match with the ground reality, the order shall become infructuous.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Jogbani P.S. Case No.54 of 2022 to the satisfaction of learned A.C.J.M., Vth, Araria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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