

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61950 of 2022

Arising Out of PS. Case No.-260 Year-2022 Thana- MAJHAULIA District- West Champaran

1. MAINUDDIN MIYAN Son of Rajjaq Miyan Resident of Village- Parsa Dumariya, P.S.- Majhuliya, District- West Champaran at Bettiah
2. RAJESH YADAV Son of Vishwanath Yadav Resident of Village- Bahsi Tola, Bahuarwa, P.S.- Majhuliya, District- West Champaran at Bettiah
3. JAIPRAKASH YADAV @ JAI PRAKASH YADAV @ JAIPRAKASH KUMAR YADAV Son of Akhilesh Yadav Resident of Village- Bahsi Tola, Bahuarwa, P.S.- Majhuliya, District- West Champaran at Bettiah

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar
For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-01-2023 Heard both sides.

The petitioners apprehend their arrest in connection with Majhuliya P.S. Case No.260 of 2022, registered for the offences punishable under Sections 467, 471, 341, 323, 327, 384, 379, 504, 406 and 34 of the Indian Penal Code.

The informant alleged that plot bearing Khata No.119, 146, 423, Khesra No.2561, 2522 and 3077 was transferred and duly registered in his favour by one Biwi Saihal Khatoon and since then he has been in possession of the land. It is alleged that four months ago, all accused persons forcefully harvested his crops and also carried out soil cutting from 10 *kathas* of land



and sold it to a chimney. When their act was protested by the brother of the informant, all accused persons abused and assaulted him. It is also alleged that co-accused, Parwez Alam fired upon the brother of the informant, but somehow he saved himself.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that the allegations against the petitioners are not specific rather they are general and omnibus in nature. It is submitted that there is admitted land dispute between the parties. The occurrence took place four months before, but the FIR was lodged on 15.04.2022.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Considering the fact that the dispute between the parties is civil in nature, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the



satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Majhuliya P.S. Case No.260 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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