

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8554 of 2024**

Arising Out of PS. Case No.-14 Year-2023 Thana- CHAUSA District- Madhepura

1. PAWAN KUMAR MUNI @ PAWAN MUNI Son of Late Baldeo Muni Resident of Village-Tinmuhi, P.S.-Chousa, District-Madhepura.
2. VIKASH MUNI Son of Late Baldeo Muni Resident of Village-Tinmuhi, P.S.-Chousa, District-Madhepura.
3. NIRANJAN MUNI Son of Pawan Kumar Muni Resident of Village-Tinmuhi, P.S.-Chousa, District-Madhepura.
4. ABDHESH MUNI @ AWADHESH KUMAR MUNI Son of Pawan Kumar Muni Resident of Village-Tinmuhi, P.S.-Chousa, District-Madhepura.
5. BILASH MUNI @ BILO MUNI Son of Bhagirath Muni Resident of Village-Tinmuhi, P.S.-Chousa, District-Madhepura.
6. SURESH MUNI Son of Late Basdeo Muni Resident of Village-Tinmuhi, P.S.-Chousa, District-Madhepura.
7. BHAGIRATH MUNI Son of Late Bholu Muni Resident of Village-Tinmuhi, P.S.-Chousa, District-Madhepura.
8. SHYAM SINGH Son of Late Rupam Singh Resident of Village-Tinmuhi, P.S.-Chousa, District-Madhepura.
9. KIRAN DEVI Wife of Pawan Kumar Muni Resident of Village-Tinmuhi, P.S.-Chousa, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Barun Kumar Singh  
For the Opposite Party/s : Mr.Tarun Prasad Mandal

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY**

ORAL ORDER

2      20-02-2024                      Heard learned counsel for the petitioners as well as  
the learned APP for the State.

2. The petitioners apprehend their arrest in connection  
with Chousa (Fulout O.P.) P.S. Case No. 14 of 2023, registered for  
the offences punishable under Sections 323, 384, 420, 120(B),



467, 468, 471, 474, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the accused persons in collusion with each other were engaged in illegal act of sale and purchase of the land and in that course, the accused persons illegally and unauthorizedly were cutting soil from the land of the informant. It is also alleged that when the complainant protested, the accused persons showing forged and fabricated agreement, claimed their title. The complainant made complaint to the concerned police station but no action whatsoever was taken. The accused persons being a professional in the illegal act aforesaid, created forged and fabricated document.

4. Learned counsel for the petitioners has submitted that the complainant claims herself to be vendee from power of attorney holder of the original *raiyat*, whereas petitioner no. 1 and 2 are settlees from the grandson of the *raiyat*. From the FIR itself, it transpires that the complainant admitted the fact that petitioners were excavating soil from the land, in dispute, since the year 2017 but no resistance was made by the complainant. He has submitted further that already a title suit is pending between the parties. It is nothing but a civil dispute. Petitioner nos. 1 and 2 claim themselves to be settlees from the grandson of the original *raiyat*.

5. Considering the above-mentioned facts and



circumstances, especially the clean antecedent, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Udakishunganj, Madhepura in connection with Chousa (Fulout O.P.) P.S. Case No. 14 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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