

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8426 of 2024

Arising Out of PS. Case No.-721 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Manoj Kumar Son Of Late Yogendra Prasad @ Yogendra Bhagat R/O-Partapur, P.S.-MEHSI, Distt.-EAST Champaran
 2. Niraj Kumar Sinha Son Of Raj Mangal Prasad R/O-Partapur, P.S.-MEHSI, Distt.-EAST Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case in connection with Trial No. 2441 of 2023 arising out of Complaint Case No C-721 of 2023 registered for the offences punishable u/ss 323, 420 and 506 read 34 of the Indian Penal Code.

As per the prosecution case, the petitioner, Manoj Kumar and his bhabhi, Most. Kaushalya Kunwar had sold a Government Gair Mazarwa land to the complainant, showing it as their own land after taking consideration money of Rs. 75,000/- in the Sub Registry Office, Chakia. The complainant



purchased the said land on the instance of the petitioner No. 2, Niraj Kumar Sinha, who put his signature on the sale deed as an identifier. Later, the complainant came to know that the said land is a Government land and mutation petition has been rejected. In this regard, Panchayati was convened several times, but the petitioners did not agree with the decisions. Lastly, on 24.03.2023, Panchayati was convened at the door of the petitioner No. 1 in which both the petitioners became angry and abused and assaulted her.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. Learned counsel has submitted that the land in question along with other lands were allotted to the uncle of the petitioner No. 1, Munshi Bhagat vide Gazettee Notification No. 251 dated 13.11.1985 which was published in Zila Gazettee on the basis of which the land was mutated in the name of Munshi Bhagat and accordingly rent was being paid. It is further submitted that this is a case of civil dispute.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of



the case as well as the material available on record, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned East Champaran, Motihari in connection with Trial No. 2441 of 2023 arising out of Complaint Case No C-721 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.

(Chandra Prakash Singh, J)

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