

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22073 of 2024

Arising Out of PS. Case No.-549 Year-2023 Thana- RAXAUL District- East Champaran

1. Amlesh Yadav @ Amlesh Kumar Yadav S/o Shivanarayan Prasad Yadav R/o Vill/ Mohalla - Hardiya, P.S. - Raxual, Dist. - East Champaran
2. Reyajul Haque S/o Late Anamul Haque R/o Vill/ Mohalla - Kalawari, Majhariya, P.S. - Aadapur, Dist. - East Champaran
3. Prabhu Singh @ Prabhu Ray S/o Late Ramnandan Singh R/o Vill/ Mohalla - Chiknauta, P.S. - Sugauli, Dist. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar , Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 147, 148 , 149, 323 , 384, 467, 468 , 471 , 504 and 506 of the Indian Penal Code .

3. As per the prosecution case, these petitioners, along with other co-accused persons forming an unlawful assembly, used to come on the purchased field of the informant, and on the basis of forged and fabricated *Mahadanam* executed by one *Prabhu Singh*, they wanted to take possession over the



said field of the informant forcibly . It is further alleged that they also demanded Rs. ten lakh as *raangadari*.

4. It is submitted on behalf of the petitioners that these petitioners are innocent and have falsely been implicated in this case. As a matter of fact, the land in question is *Khatiyani* land of one *Bharosi Ray* who had two sons namely *Kawal Singh* and *Tapesar Singh*, *Kawal Singh* had three sons, namely *Ram Kanhai* ,*Suraj* and *Ram Krit*. *Ram kanahi* and *Suraj* had died. *Ram Krit* had executed gift deed in favour of *Chandrika Ray* and *Prabhu Ray* on 20.07.1970. *Chandrika Ran* and *Prabhu Ray* both sons of *Ram Nandan Singh* and grand son of *Tapesar Singh* and *Prabhu Singh @ Prabhu* who came in peaceful possession over the said land. On the other hand, the informant never got possession upon the land in question . When the tile holder *Prabhu Singh @ Prabhu Rai* executed agreement for sale in the name of *Reyajul Haque* and *Amlesh Yadav* then the informant has crated hindrance and lodged the present case . The allegation of demand of *rangdari* is super-addition to make the case grave . It is next submitted that the petitioner *Amlesh Kumar* and *Reyajul Haque* are purchaser and petitioner *Prabhu Singh* is executant of agreement for sale in favour of aforesaid purchasers. The informant has no right over the land and as



such, no criminal case is made out against them. The present case is purely of civil nature and petitioners claim clean antecedent.

5. Learned counsel for the State oppose the bail petition.

6 Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged 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 the learned Sub-Divisional Magistrate Raxaul at Motihari, East Champaran in connection with Raxaul P.S. Case No. 549 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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