

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43006 of 2024

Arising Out of PS. Case No.-115 Year-2024 Thana- MOTIHARI TOWN District- East
Champran

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1. Raj Kumar Dubey Son of Late Ramnath Dubey Resident of Village- Belbanwa, Ward No- 23, P.S-Naga,, Dist- East Champran, Motihari
 2. Vijay Kumar Dubey Son of Late Ramnath Dubey Resident of Village- Belbanwa, Ward No- 23, P.S-Naga,, Dist- East Champran, Motihari
 3. Abhinav Kumar Dubey @ Abhinav Kumar Son of Raj Kumar Dubey Resident of Village- Belbanwa, Ward No- 23, P.S-Naga,, Dist- East Champran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-07-2024 Heard learned counsel for the petitioners and the
State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 447, 327, 504, 506, 385 , 379 and 34 of the Indian Penal Code .

3 . As per the prosecution case, on 10.02.2024 at about 07:00 AM, all the accused persons, including these petitioners and some unknown persons armed with various weapons, started fixing bricks over the boundary wall constructed on the land of the informant. When the informant visited his land, then all the accused persons surrounded him



and demanded rangdari of Rs. 20,00,000/- and also snatched gold chains of Rs. 80,000/- .

4. It is submitted on behalf of the petitioners that petitioner No 1 and 2 are full brothers and petitioner no 3 is the son of petitioner no 1 and they all have falsely been implicated in this false and concocted case with a view to grab the purchased land of the petitioners. It is further submitted that informant filed an application which was inquired by the concerned Circle Officer, Motihari, Sadar vide Memo No.390 dated 01.02.2024 and inquiry report was submitted before the Sub-Divisional Officer, Motihari, Sadar and from perusal of same , it would be evident that in the said inquiry the land under dispute has been found to be purchased by the petitioners firstly vide registered Sale Deed No.17143 dated 29.10.2009 and accordingly the subsequent execution of the same land vide registered Sale Deed No. .17144 dated 29.10.2009 in favor of Mina Devi through which the land under dispute has been purchased by mother of the informant is illegal as on account of transferring the title of one and same piece of land earlier to the petitioners, without having title over the said land, the vendor Prayag Sahni had got sold the land under dispute to said Mina Devi and hence the claim of the informant has been found to be



illegal. Moreover, the dispute is of civil in nature and only with a view to settle the civil dispute this false and concocted case has been lodged.

5 . Learned counsel for the State as well as informant opposed the bail petition and submitted that in order to grab the land of the informant , this petitioner are disturbing the peaceful possession of the informant and also demanding *rangdari*.

6 Considering the fact that the dispute is purely of civil nature and other 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 Judicial Magistrate , 1st Class, East Champaran , Motihari in connection with Motihari Town P.S. Case No. 115 of 2024 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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