

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49142 of 2024

Arising Out of PS. Case No.-331 Year-2021 Thana- TURKAULIYA District- East
Champaran

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1. DHURENDRA PRASAD S/O LATE BASUDEV PRASAD R/O VILLAGE- ARERAJ, P.S- GOVINDGANJ, DISTT.- EAST CHAMPARAN AT MOTIHARI.
 2. SURENDRA PRASAD S/O LATE BASUDEV PRASAD R/O VILLAGE- ARERAJ, P.S- GOVINDGANJ, DISTT.- EAST CHAMPARAN AT MOTIHARI.
 3. MUNNA RAUT S/O RAMSAKAL RAUT R/O VILLAGE- BAHADURPUR, P.S- GOVINDGANJ, DISTT.- EAST CHAMPARAN AT MOTIHARI.
 4. KUTAN PATEL @ KUNDAN KUMAR PATEL S/O RAMSAKAL RAUT R/O VILLAGE- BAHADURPUR, P.S- GOVINDGANJ, DISTT.- EAST CHAMPARAN AT MOTIHARI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-08-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Turkauliya (Banjariya) PS case no. 331 of 2021, disclosing offences punishable under Sections 354, 385 and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the allegation made in the First Information Report, is that the informant is the owner



of the ancestral land, which came in his possession after partition among co-sharers. The co-sharers of the informant i.e. petitioners' side have already sold the land, which fell in their share. The informant constructed the boundary wall on around 01 katha of the land. On 07.04.2021, all the F.I.R. named accused persons including the petitioners entered upon the informant's land in order to take forcible possession over the land and started destroying bricks thereon. When the informant raised objection, petitioners no. 1 and 2 told that the land is in the share of their mother and they have executed an agreement for sale in favour of co-accused Munni Das. It has further been alleged that co-accused Munni Das told that he has given Rs. 2 lacs to the petitioners and got an agreement for sale prepared for purchase of the said land. It has also been alleged that the accused persons demolished the boundary wall constructed by the informant.

4. Learned Counsel for the petitioners submits that both parties are co-sharers and there is dispute regarding share of land between them. Accordingly to the side of the petitioners, land belongs to the mother of petitioners no. 1 and 2 and a title suit bearing Title Suit No. 313 of 2019 has been filed by other co-sharers, in which the petitioners are defendants. Learned



counsel further submits that there is no partition by metes and bounds and the allegation made in the F.I.R. is in the nature of civil dispute.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that both parties are co-sharers, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, 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 Chief Judicial Magistrate, Motihari (East Champaran) in connection with Turkauliya (Banjariya) PS case no. 331 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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