

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.68042 of 2024

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

Munni Das @ Muni Das Son of Late Bhui Das R/O- Sihulia P.S- Muffasil
District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 20-09-2024 1. Heard learned Counsel for the petitioner 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 341, 323, 354, 385, 420, 467, 427, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution story, informant states that a piece of his ancestral land is situated in Ambika Nagar, which had shares of his pattidars too. Informant's co-sharers have already disposed of their shares in the aforesaid land and only one katha of land is left which belongs to him. The informant constructed the boundary wall on around 01 katha of the land. On 07.04.2021, all the six accused persons, with an intent to grab his share, 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, accused nos. 1 and 2 told that the land is in the share of their mother. It has



further alleged that when the informant asked the co-accused to show the papers, they said that an agreement for sale has been executed with petitioner/Munni Das.. It has further been alleged that Petitioner/Munni Das told that he has given Rs. 2 lacs to the accused persons 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 petitioner submits that there is dispute regarding share of land between them. Accordingly to the side of the petitioners, land belongs to the mother of accused nos. 1 and 2 and a title suit bearing Title Suit No. 313 of 2019 has been filed by other co-sharers, in which the co-accused persons are defendants. Learned counsel further submits that there is no partition by metes and bounds and the allegation made in the FLR. is in the nature of civil dispute. Learned counsel for the petitioner further submits that co-accused persons who are co-sharers of the informant have been granted anticipatory bail by this Court vide order dated 21.08.2024 in Cr. Misc. No. 49142 of 2024 and as per the allegation made in the FIR, case of the petitioner is on better footing.



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 co-sharers of the informant have been granted anticipatory bail by this Court vide order dated 21.08.2024 in Cr. Misc. No. 49142 of 2024, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioner, above named, in the event of his 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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