

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.65588 of 2024

Arising Out of PS. Case No.-956 Year-2023 Thana- COMPLAINT CASE District- Banka

1. Mantu Choudhary @ Mukesh Kumar Choudhary @ Mukesh Choudhary S/o Ambika Choudhary Resident Of Village Mehra, Ps - Katoria, Distt. - Banka
2. Arun Kumar Choudhary @ Arun Choudhary S/o Ambika Choudhary Resident Of Village Mehra, Ps - Katoria, Distt. - Banka
3. Avinash Kumar Choudhary @ Avinash Choudhary S/o Ranjit Choudhary Resident Of Village Mehra, Ps - Katoria, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar
For the Opposite Party/s : Mr. Brij Nandan Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 21-10-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 956 of 2023, disclosing offences under Sections 467/468/506 of the Indian Penal Code.
3. The prosecution case, as per the complaint case, is that the complainant has stated that he is the owner of a land bearing Khata No. 8 of Thana No. 201/18 situated in Anchal Katoria, which is raiyati land and his ancestors are coming in possession over the land. The accused persons,



including the petitioners, started disturbance upon the land, in question, by creating false documents. Thereafter, the complainant filed a petition before the Circle Officer, Katoria, and a Case No. 12/2022-23 was initiated. The Circle Officer, after perusal of the documents, found that the documents are not genuine and when the complainant went upon his land, the accused persons, including the petitioners, assaulted and threatened him.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to land dispute between the parties. He next submits that a title suit has also been lodged by the side of the petitioners against the complainant having Title Suit No. 53 of 2023. The land, in question, was purchased by the grandfather of the petitioners through registered sale on 02.06.1932, as such, the petitioners are in possession over the land. He further submits that the Circle Officer, Katoria, in his order, dated 09.11.2022, in case no. 12/2022-23, directed the parties to approach the competent court of jurisdiction for redressal of their grievances. The complaint has been filed on the basis of concocted allegation.



5. On the other hand, learned counsel for the complainant opposes the prayer for anticipatory bail of the petitioners and submits that the petitioners failed to produce any cogent material before the Circle Officer, Katoria, in support of their claim over the land, in question, which would be evident from the order passed by the Circle Officer, Katoria, dated 09.11.2022.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are claiming their ownership over the land, in question, and a title suit is pending and the Circle Officer has disposed the case of Jamabandi and has directed the parties to approach the competent court of civil jurisdiction, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioners, above named, 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 Additional Chief Judicial Magistrate-I, Banka, in connection with



Complaint Case No. 956 of 2023, subject to the condition
laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

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