

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72431 of 2024

Arising Out of PS. Case No.-186 Year-2024 Thana- RAXAUL District- East Champaran

1. Sunil Kr. Mahto @ Sunil Mahto Son of Sukhul Mahto R/O Vill./Mohalla- Harnahi, P.S.- Raxaul, Dist.- East Champaran
2. Vidya Sagar Patel Son of Shivnath Patel R/O Vill./Mohalla- Chainpur, P.S.- Raxaul, Dist.- East Champaran
3. Pawan Kr. Rai @ Pawan Kumar Son of Rajeshwar Rai R/O Vill./Mohalla- Kaudihar, P.S.- Raxaul, Dist.- East Champaran
4. Raghunath Mahato @ Ragnath Mahato Son of Dwarika Mahato R/O Vill./Mohalla- Sitalpur, P.S.- Raxaul, Dist.- East Champaran
5. Bhugali Ram @ Gugli Ram @ Ghugali Ram Son of Late Shiv Govind Ram R/O Vill./Mohalla- Mashandi Chainpur, P.S.- Raxaul, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar, Advocate
For the Opposite Party/s	:	Mr.Uma Shankar Prasad Singh, A.P.P.
For the informant	:	Mr. Shiv Kumar Dwivedi, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-11-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Raxaul P.S. Case No. 186 of 2024 dated 31.05.2024 registered under Sections 147, 149, 341, 323, 386, 467, 468, 471, 504 and 506 of the I.P.C.

3. As per the prosecution case the informant purchased a piece of land in Mauza- Harnahi, Anchal- Raxaul, Thana No.- 27, Khata No. 30 , Khesra No. 192 having an area of 05 Katha 01 Dhur by registered deed in the year 1973. It has further been



alleged that the petitioners and others accused persons are trying to grab the purchased land of the informant on the basis of agreement for sale and are demanding extortion money of Rs. 1000000/-.

4. Learned counsel for the petitioners submits that petitioners are not the beneficiary of the land in question. The land in question was gifted in favour of one Prabhu Ray and Chandrika Ray by Ram Krit Ray in 1970 by way of registered gift deed. The father of Prabhu Ray and Chandrika Ray namely, Ram Nandan Ray sold the same land by way of registered sale deed in favour of the informant on 19.04.1973. Thereafter, Prabhu Rai entered into an agreement for sale with Reyajul Haque and Amlesh Yadav on 29.11.2023. A similar allegation regarding the same land was made by the informant against the petitioners bearing Raxaul P.S. Case No. 549 of 2023 in which the petitioners were granted anticipatory bail by a Co-ordinate Bench of this Court on 04.04.2024 bearing Cr. Misc. No. 21620 of 2024. After grant of bail to the petitioners by this Court the present F.I.R. has been lodged on the same allegation by the informant. The petitioner nos. 3 & 5 are witnesses to the agreement for sale and other petitioners have been made accused on the allegation that they are trying to grab



the land of the informant with the help of the co-accused in whose favour agreement for sale has been executed by Prabhu Rai and Chandrika Ray. He further submit that civil dispute has been given colour of criminal case by lodging successive F.I.R. by the informant.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that the petitioners are members of land mafia and this is their *modus operandi* that in order to grab the land they use to take an agreement for sale of the disputed land and on the basis of their clout they grab the land of genuine land holders. The petitioner no. 3 / Pawan Kr. Rai @ Pawan Kumar is having six criminal cases carrying serious allegation.

6. Regard being had to the submission made by the parties, taking into consideration the nature of dispute, the fact that on similar allegation anticipatory bail application of some of the petitioners was allowed by a Co-ordinate Bench of this Court including Pawan Kr. Rai @ Pawan Kumar (petitioner no. 3) having criminal antecedent and Bhugali Ram @ Gugli Ram @ Ghugali Ram (petitioner no. 5) , as such, I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipa-



tory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Raxaul at Motihari, District – East Champaran in connection with Raxaul P.S. Case No. 186 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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