

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71557 of 2023**

Arising Out of PS. Case No.-309 Year-2022 Thana- MAJHAULIA District- West Champaran

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1. Awadhesh Thakur Son Of Late Sitaram Thakur R/O Village- Ojha Mathiya Ward No.15, P.S.- Majhauliya, District- West Champaran
2. Devnandan Thakur @ Deonandan Sharma Son Of Late Jagarnath Thakur R/O Village- Ojha Mathiya Ward No.15, P.S.- Majhauliya, District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioners : Mr. Brij Kishor Mishra, Advocate  
For the Opposite Party : Mr. Md. Aslam Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

4      27-02-2024                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with  
Majhauliya P.S. Case No. 309 of 2022 dated 02.05.2022,  
instituted for the offences punishable under Sections 341, 323,  
387, 420, 379/34 of the Indian Penal Code.

3. The case of prosecution, in short, is that the named  
accused, including the petitioners with a conspiracy got  
registered a land in their favour. When the informant came to  
know about this, he went to the said land on 26.04.2022, where  
all the accused persons armed with weapons, came and started  
abusing the informant. It is further alleged that when the



informant protested them, they threatened and demanded to pay extortion money of Rs. 4,50,000/- (Four Lakh Fifty Thousand), for possession over the land.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner no. 1 is one of the vendors of the sale deed dated 11.04.2022 with regard to 1 *katha* 10 *dhur* in favour of Devnandan Thakur, who is petitioner no. 2 on consideration money of Rs. 1,85,000/- (One Lakh Eighty Five Thousand). The said sold property is the ancestral property of Mahaveer Lohar, who is the *Khatiyani Raiyat* of the said land, measuring about 2 *Bigha* 1 *Katha* 17 *Dhur* and after the death of the Mahaveer Lohar, his son, namely, Bujhawan Lohar inherited the same in whose name *Jamabandi* No. 300/76 was created. It is further submitted that after the death of Bujhawan Lohar, his son, namely, Dahari Thakur, inherited from whome the father of the petitioner no. 1, namely, late Sitaram Thakur inherited. Further, it is submitted that Awadhesh Thakur (petitioner no. 1) and his full brother, namely, Akhilesh Thakur sold the said land on 11.04.2022 to the petitioner no. 2, namely, Devnandan Thakur. It is further submitted that the *Jamabandi* of the land, in question, is running in the name of Bujhawan Lohar,



the great grandfather of the petitioner no. 1 and rent receipts were also obtained after the payment of rent. The *Jamabandi* of petitioner no. 2 has been created bearing *Jamabandi* No. 211102700062833. Lastly, it has been submitted that the allegations of the said dispute against the petitioners are purely of civil nature and the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners in the present case.

7. Accordingly, provisional bail granted to the petitioners *vide* order dated 07.11.2023, in connection with Majhauriya P.S. Case No. 309 of 2022 pending in the Court of learned Chief Judicial Magistrate, West Champaran, is hereby confirmed, and the bail bond furnished by the petitioners shall be treated to be a bond furnished pursuant to this order, subject to condition as laid down under Section 438(2) of the Cr.P.C.

**(Khatim Reza, J)**

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