

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65206 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- BRAHMPURA District- Muzaffarpur

1. Runjay Kumar S/O Mahendra Prasad Resident of Mohalla- Rahul Nagar, P.S- Brahmpura, District- Muzaffarpur
2. Rohit Raj S/O Mahendra Prasad Resident of Mohalla- Rahul Nagar, P.S- Brahmpura, District- Muzaffarpur
3. Mahendra Prasad S/O Late Basudeo Prasad Resident of Mohalla- Rahul Nagar, P.S- Brahmpura, District- Muzaffarpur
4. Shiv Kumar Chaudhary S/O Late Raghunath Chaudhary R/O Mohalla- Sarswati Nagar, Road No. 9, P.S- Ahiyapur, Distt.- Muzaffarpur.
5. Raju Babu S/o Late Jawahar Prasad Sah Resident of Mohalla- Adarsh Gram, Bairiya, P.S- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Upendra Kumar Chaubey, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar , APP
For the informant	:	Mr. Aryan Yashraj, Advocate
		Mr. Nitin Kumar , Advocate
		Mr. Umesh Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-01-2025 Heard learned counsel for the petitioners,
informant and the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 406, 420, 467, 468 , 471 , 384, 506 and 34 of the Indian Penal Code .

3 . As per the prosecution case , a rent agreement was signed between the parties on 29.04.2019 for 3 years. After expiration of the rent period agreement period, the land in question was vacated after three months, thereafter complainant



made a new rent agreement on 09.12.2023 with Kapinath Paswan and he had occupied the same as renter and thereafter petitioners no. 1, 2, 3 and others forcibly entered in the said premises after breaking the lock and gate, for which Brahmpura P.S. Case no. 7/24 was lodged and counter case was lodged, in which her son is accused. The informant further enquired and she came to know that the petitioner no. 1 along with petitioners no. 2, 3, 4 and 5 had prepared a forged and fabricated rent agreement with respect to said land in which they claim their right and forced her to sell the land and also used to threaten her.

4. It is submitted on behalf of the petitioners that petitioners are quite innocent and they have not committed any such offence as alleged. The dispute arises out of landlord tenant relationship . As a matter of fact, the rent agreement deed was executed on 29.04.2019 for 3 years for the Coaching on the rent of Rs. 7,000/- per month and as per term and conditions after 3 years the rent would enhance by 10%. The petitioner no.1 started to develop the premises by soling, temporary structure and fresh electric connection investing Rs, 15 Lacs, but due to Corona period, his Coaching business was stopped but the petitioners were paying rent Rs. 7,000/- p.m. regularly even during Corona period. During the Corona period, the



petitioner started to use this premises as Kirana Whole-sale Godown. After lapse of rent agreement period the petitioner no.1 made fresh rent agreement for 9 years at enhanced rate of Rs. 7,700/- and paid Rs. 3.51 Lacs as an advance . It is further submitted that during the rent agreement period, on instigation of business rivals she started to enhance the rent as Rs.14,000/- per month. After that on 14.01.2024 the informant alongwith others entered in Campus and after breaking the lock and gate scuffled with the petitioners. For that the informant filed Brahmpura P.S. Case no.07/24 and the petitioner no.1 filed Brahmpura P.S. Case no. 8/24, U/s 427, 341, 323, 327, 379, 504, 506/34 I.P.C . as a matter of fact that the informant filed this forged case after getting knowledge about Misc. Case no. 7/2024 filed by the petitioner no. 1 U/s 10 of B.B.C. Act before learned S.D.M., East -cum- House Controller, East Muzaffarpur.

5 . Learned counsel for the informant vehemently opposed the bail petition and submitted that petitioners are land mafia whose modus operandi is to grab lands illegally and unlawfully from innocent and helpless persons like the informant.

6 Having considered the nature of dispute and other



circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioners, as named above, be enlarged 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 the learned 1st Class Judicial Magistrate East Muzaffarpur in connection with Brahmpura P.S. Case No. 158 of 2024 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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