

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75319 of 2024

Arising Out of PS. Case No.-139 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

1. Shambhu Singh Son of Late Mundrika Singh R/o Vill- Kadari, P.S.- Dhobha, District- Bhojpur
2. Bhola Singh Son of Late Bikrama Singh @ Bikarma Deet Rai R/o Vill- Kadari, P.S.- Dhobha, District- Bhojpur
3. Biteshwar Singh Son of Late Bikrama Singh @ Bikarma Deet Rai R/o Vill- Kadari, P.S.- Dhobha, District- Bhojpur
4. Ashok Singh Son of Yogendra Singh R/O Vill- Udaivanpur, P.S.- Krishnagarh, District- Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ojaswee Kumari, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 147, 148, 149, 323, 341, 504, 420, 467, 468/406 of the Indian Penal Code.

3. As per the prosecution case, petitioners indulged in several litigations at different forum in order to grab property of Math but Addl. Collector, Bhojpur found Mutation Case No. 42 of 1993/12-13 to be correct. When complainant came to know about the alleged sale purchase, he objected on which accused persons abused him and also entered into scuffle with him. It is



also alleged that on 07.02.2018 at about 5:00 PM, these accused persons armed with weapons entered the Math and damaged properties of the saints.

4. It is submitted on behalf of the petitioners that all the petitioners come from one common ancestor and in this regard mukhiya of Karari panchayat had issued a certificate in 1967 itself. Since Janki Das had no issue and used to live with her sister Lalchharo Kuwar and her sons as is family members and after death of Janki Das all the properties have been came in physical cultivation possession of his sister and her sons, being legal representatives of late Janki Das and these petitioners came in cultivation possession of the land in dispute. It is further submitted that since Janki Das had constructed said Math upon the ancestral property and after his death, property of Math as well as other ancestral property came in possession of his sister Laljhharo Kuwar, grand-mother of these petitioners and after her death the property came in possession of the petitioners and petitioners are coming in possession of the land in dispute also and for making certain construction/repairing of said Math. After death of Janki Das, property in dispute is being maintained by the family of the petitioners but the informant who claims to himself to be Sevayat of the said Math for which



litigation is also pending and the land in dispute which has wrongly been mutated in the name of the informant as Sevayat vide Mutation Case No. 4293/2012-13 by order dated 17.03.2017 by Circle Officer, Sadar Ara which was challenged vide Mutation Appeal No.365/2014-15 and the Jamabandi which has been created in the name of informant has been cancelled by the learned D.C.L.R. Sadar Ara vide order dated 19.08.2014 holding that Jamabandi of Khata No.111 and 110 is running in the name of Most. Laljhharo Kuwar, which also suggest that land in question is coming possession of the family of the petitioners and hence no case is make out against the petitioners as alleged in the F.I.R. Petitioners claim clean antecedent.

5. Considering the fact that the dispute appears to be of civil in nature, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within eight weeks from today, let these petitioners, mentioned 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 Additional Chief Judicial Magistrate, Bhojpur at Ara in Ara Muffasil Police Station Case No. 139 of 2018, subject to the conditions laid down under section 438(2) of the Code of



Criminal Procedure.

(Prabhat Kumar Singh, J)

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