

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41190 of 2014

Arising Out of PS.Case No. -18 Year- 2013 Thana -SAMASTIPUR MUFFASIL District- SAMASTIPUR

1. Anil Sahni son of Ram Chandra Sahni
2. Reshma Devi wife of Ram Sewak Sahni
3. Neelam Devi wife of Nathuni Sahni
4. Rita Devi wife of Santosh Sahni
5. Pinkee Devi wife of Anil Sahni
6. Kabutri Devi wife of Ram Chandra Sahni
7. Ganga DEvi wife of Sone Lal Sahni
8. Dukhni Devi Wife of Ram Bahadur Sahni
9. Kavita Devi D/o Ram Bahadur Sahni All residents of village - Rahimpur, P.S. Muffasil Samastipur, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.42167 of 2014

Arising Out of PS.Case No. -18 Year- 2013 Thana -SAMASTIPUR MUFFASIL District- SAMASTIPUR

1. Md. Shoeb S/o Kutubuddin
2. Shamsad Ahmad @ Shamshad S/o Samad Joha
3. Md. Azim S/o Hafiz Kaddim
4. Nathuni Sahni S/o Late Baleshwar Sahni
5. Sonelal Sahni S/o Goni Sahni
6. Ram Chandra Sahni S/o Late Ram Keshwar Sahni
7. Ram Bahadur Sahni S/o Late Ram Keshwar Sahni
8. Santosh Sahni S/o Ram Bahadur Sahni
9. Ram Sewak Sahni S/o Late Ramkeshwar Sahni All Resident of Village Rahimpur Rudauli, P.S. Samastipur Muffasil, District Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.41190 of 2014)

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Md. Sufiyan(App)

(In Cr.Misc. No.42167 of 2014)

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Dr.Rabindra Kumar (App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 18-03-2015

Both these applications arise out of Samastipur (M) P.S.Case No. 18/2013 as such, they have been heard together and are being disposed of by this common order.

The petitioners apprehend their arrest in Samastipur (M) P.S. Case No. 18/2013 registered for offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379,427, 504 and 506/34 of the Indian Penal Code.

The present case has been instituted on the basis of F.I.R. instituted by one Ram Prakash Rai claiming to be Munshi of one Dharmendra Rai. In the said F.I.R. it has been stated that the Deputy Collector Land Reforms, Samstipur had passed an order in favour of Dharmendra Rai, but the local Mukhiya, son and family member of one Ram Sewak Sahni had been obstructing the delivery of possession of land. It has been further submitted in the F.I.R. that while the Circle Officer had gone to execute the delivery of possession of the disputed land, the Mukhiya along with Sarpanch and Ram Sewak Sahni, and other family members and about 40-50 accused persons protested over the delivery of possession of disputed land.

Learned counsel for the petitioners further submits that

the land in question, was, in fact, belonging to a particular community and on account of that some religious sentiments had arisen for which they had come to resist the said delivery of possession and also because the period for filing appeal of the said case had not lapsed.

Learned counsel further submits that in connection with the said occurrence, Circle Officer had also lodged a case being Samastipur Muffasil P.S.Case No. 17/2013 against Mukhiya Sarpanch Ram Sewak Sahni and others alleging that they had been provoking the mob of unlimited numbers to obstruct delivery of possession. It has been further submitted by the learned counsel for the petitioners that in connection with the same and similar offence, the petitioners namely, Ram Sewak Sahni and two others had approached this Court and considering the nature of allegations this Court has been pleased to pass an order extending the privilege of anticipatory bail to the petitioners in Cr. Misc. No. 44500/2013 vide order dated 28.10.2013.

Considering the aforementioned submissions and also the fact that the allegations in the present case are wholly and solely similar to Samastipur Muffasil P.S.Case No. 17 of 2013 and the petitioners are none but the family members and other villagers of village Rahimpur Rudauli, Samastipur and they have

been only members of the crowd, let the above named petitioners in both the applications be released on anticipatory bail in the event of their arrest or surrender within a period of four weeks from today in connection with samastipur Mufassil (M) P. S. Case No. 18/2013 on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur, subject to condition as laid down under Section 438(2) of Cr. P.C.

(Anjana Mishra, J)

Sudha/-

U		T	
---	--	---	--