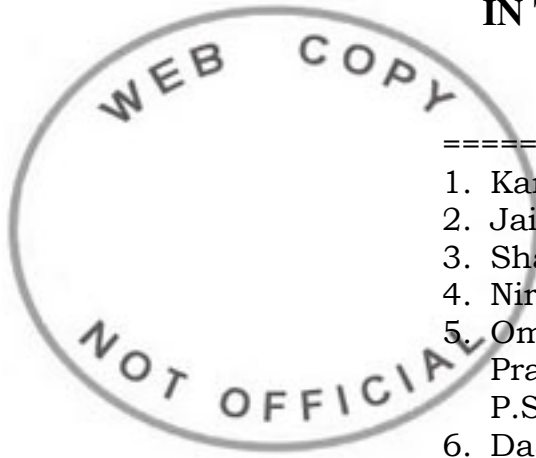




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44074 of 2015

Arising Out of PS.Case No. -40 Year- 2015 Thana -MAHISI District- SAHARSA

- =====
1. Karpuri Devi, wife of Jainandan Sah
 2. Jainandan @ Jai Nandan Sah, son of Late Nasib Sah
 3. Sharwan Kumar Sah @ Sarwan Sah, son of Jainandan Sah
 4. Nirmala Devi, wife of Late Hira Prasad Sah
 5. Om Prakash Sah @ Om Prakash Sahu, son of Late Hira Prasad Sah All are resident of village- Amahi Mohanpur, P.S.- Mahishi (Jalai), District- Saharsa.
 6. Dashrath Kumar @ Dasrath Kumar son of Kritya Nand Sah, resident of village- Baluaha, P.S. Mahishi, District- Saharsa.
 7. Harinandan Sah son of Chandra Deo Sah, Scriber, Registration Office, Saharsa, P.S.+District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. Ram Shankar Das
(Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 29-10-2015 Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471, 120(B) of the Indian Penal Code and Section 3(1)(x) of the SC & ST (Prevention of Atrocities) Act.

The prosecution case is that the accused persons including the petitioners claiming the ownership of the land in question which was gifted to the school, on the basis of some fabricated documents. The informant is Chairman of the

Education Committee of the school in question.

It is submitted by learned counsel for the petitioners that for the initial cause of action of 1986 the present F.I.R was registered in the year 2015. Earlier the informant filed Mahishi Jalai P.S. Case No. 44 of 2008, wherein on conclusion of the investigation the accusation was found false and the prosecution of the informant was recommended under Sections 182, 211 of the Indian Penal Code. There is Land Dispute Case No. 58 of 2011 pending between the parties.

Considering the delayed nature of accusation and the fact that in the earlier case with similar accusation the petitioners were not sent up for trial, let the petitioners, above named, except petitioner No. 7 Harinandan Sah, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Mahishi P.S. Case No. 40 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner No. 7 is concerned, since he is involved in three other cases of similar nature, let learned Court below consider the prayer for regular bail of petitioner No. 7, namely Harinandan Sah, if he surrenders within a period of six weeks in connection with Mahishi P.S. Case No. 40 of 2015, pending in the Court of learned Chief Judicial

Magistrate, Saharsa.

The application with regard to petitioner No. 7

stands disposed of.

Shageer/-

(Dinesh Kumar Singh, J)

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