

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42767 of 2015

Arising Out of PS.Case No. -28 Year- 2013 Thana -PHULWARI District- PATNA

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1. Praveen Syed Rahmani @ Parveen Sayad Rahmani, Wife of Late Sayad Haider, Resident of Harun Nagar, Sector II (Near Maszid), P.S. Phulwari Sharif, Patna.
 2. Saheb Rahmani @ S. Rahman @ Sahab Rahmani, Son of S.M.M. Rahman, resident of Purani Bazar, P.S. + Distt. – Begusarai.
 3. Kapil Rai @ Kapildeo Kumar, Son of Dharm Das Rai.
 4. Raju Rai @ Raj Kumar Singh, son of Dharm Das Rai.
Both residents of Karor Chak, P.S. Phulwari Sharif, Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 14-10-2015 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Phulwari Sharif P.S. Case No.28 of 2013/G.R. No.455 of 2013
registered under Sections 447, 143, 323, 427 and 504 of the Indian
Penal Code besides Sections 3(X) SC/ST Act.

The allegation of the informant, Nilam Kumari, is that Plot
No.992 of Khata No.1260 having an area of one Katha four dhoors
at Mauza Phulwari Sharif was purchased by her on 27.06.2008
from Anil Kumar and her name was also mutated. On 02.12.2011,

the petitioner nos.1 and 2 and their men, petitioner nos.3 and 4 alongwith some anti social elements reached there and demolished the boundary wall of the said plot. When the informant reached there, they started to abuse her denoting her caste's name (Chamar) and threatened her with dire consequences and asked her to flee from the there.

Learned counsel appearing on behalf of the petitioners submits that, in fact, husband of petitioner no.1 had purchased the said land in the year 1995 and he was in possession over the same. After the death of the husband of the petitioner no.1, the informant of the present case made claim over the said land and filed a case bearing Land Dispute Case No.35 of 2013-14 against the petitioner no.1 and others in which order was passed on 03.04.2014 by the Deputy Collector, Land Reforms, Sadar, Patna, in favour of the petitioner no.1 and others. Thereafter, only to put undue pressure upon the petitioners, the informant has lodged this false case after 13 months of the alleged occurrence.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the

satisfaction of the Chief Judicial Magistrate, Patna, in connection with Phulwari Sharif P.S. Case No.28 of 2013/G.R. No.455 of 2013, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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