

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 52572 of 2015

Arising Out of PS.Case No. -54 Year- 2015 Thana -BARHARIA District- SIWAN

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1. Bhikhari Mahto son of late Peteya Mhato.
 2. Raj Kumar @ Raj Kumar Mahto.
 3. Biru Kumar @Biru Mahto son of Bhikhari Mahto

.... Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-12-2015 Heard learned counsel for the petitioners and learned A.P.P.
for the State.

The petitioners apprehend their arrest in connection with Barharia P.S. case No. 54 of 2015 arising out of Complaint Case No. 295 of 2015, G.R. No. 740 of 2015 registered for offences punishable under Sections 420,406,341,323,354 of the Indian Penal Code and 3(i) (x) SC/ST Act.

The prosecution case is that the informant/complainant Mosafir Raut filed a complaint case bearing Complaint Case No. 295 of 2015 against the accused persons including these petitioners stating therein that the complainant executed a sale deed of area 6 Katha 12 Dhurs in favour of Kuadari Devi for consideration of Rs. 2,98,000/-. A sum of Rs. 1 lakh was paid but at the time of registration, she did not pay the rest amount and after several requests made by the informant/complainant she did

not pay as yet and they assaulted the informant by fists and slaps.

It has been submitted on behalf of the petitioner that the matter relates to land dispute and the complaint case has been filed after delay of six months. It has further been submitted that the petitioners are neither purchaser nor witness of the deed in question and there is no specific allegation against them.

Be that as it may, let the petitioners, above named, in the event of their arrest / surrender within a period of eight weeks from today before the Court below, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Barharia P.S. Case No. 54 of 2015 arising out of Complaint Case No. 295 of 2015 G.R. No. 740 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It may be noted that Petitioners no. 1 and 3 are involved in a case of similar nature bearing Barharia P.S. Case No. 65 of 2011. If in future the petitioners no. 1 and 3 are involved in offence of similar nature, the court below shall be at liberty to cancel their bail bonds without being prejudiced by this order.

(Nilu Agrawal, J)

Prakash/-

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