

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28107 of 2015

Arising Out of PS.Case No. -50 Year- 2015 Thana -GOPALPUR District-
WESTCHAMPARAN(BETTIAH)

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Madan Sah son of Late Sahdeo Sah, resident of village- Maheshpur, P.S.-
Gopalpur, District- West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.29311 of 2015

Arising Out of PS.Case No. -50 Year- 2015 Thana -GOPALPUR District-
WESTCHAMPARAN(BETTIAH)

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Shambhu Sah S/o Late Sahdeo Sah Resident of Village Maheshpur, P.S.
Gopalpur, District West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.28107 of 2015)

For the Petitioner : Mr. Umesh Chandra Verma

For the Opposite Party : Mr. Madhuranand Jha(App)

(In Cr.Misc. No.29311 of 2015)

For the Petitioner : Mr. Bimlesh Kumar Pandey

For the Opposite Party : Mr. Pushpa Sinha-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-09-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case
instituted under Sections 147, 148, 149, 323, 324, 307, 302 and
380 of the Indian Penal Code.

It is alleged by the informant that on 02.05.2015 he



was constructing hut over his land. In the meantime, all the accused persons named in the FIR including these petitioners variously armed with *farsa garasa* and iron rod came there and started removing his *Tati* and when the informant made protest petitioners gave him iron rod blow on his back and when his brother Ram Ayodhya Sah came to save him then co-accused Ganesh Sah inflicted *farsa* on the head of his brother due to which his brother fell down. Meanwhile co-accused Ranjan Sah and Tunna Sah assaulted him with iron rod and caused him injury.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It has been submitted that petitioners have falsely been implicated in the present case due to the land dispute between the parties. There is no allegation against the petitioners for causing any injury upon the deceased. The assailant is said to be one Ganesh Sah who caused the death of the deceased. The other co-accused have been granted anticipatory bail vide Cr.Misc.No.28904 of 2015.

On behalf of the State and the counsel for the informant, it has been submitted that the petitioners are named in the FIR.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court

below within a period of four weeks, be released 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 Sri Wasim Akram Khan, Judicial Magistrate, Ist Class, Bettiah, West Champaran in connection with Gopalpur P.S.Case No.50 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sudhir Singh, J)

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