

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42756 of 2015

Arising Out of PS.Case No. -35 Year- 2014 Thana -MOHAMMADPUR District- GOPALGANJ

1. Anil Sah Son of Jodhi Sah
2. Rakesh Sah Son of Dudhnath Sah
3. Dular Sah Son of Lochan Sah All residents of Village : Mangalpur, P.S.
Mohammadpur, District : Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

**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 Mohammadpur P.S. Case No. 35 of 2014 registered under Sections 341, 323, 324, 307, 427, 346 and 448/34 of the I.P.C.

The allegation of complainant/informant Siparasi Rai is that on 19.02.2014, in the morning eight persons including the petitioners reached at his house. On the order of petitioner no.1 Anil Sah, petitioner no.3 Dular Sah gave a lathi blow due to filing of case by him against them. Accused Singari Devi along with other accused persons attacked on the Lal Babu Rai and who had come along with other in rescue, at that time, petitioner Rakesh Sah set fire in Palani due to which wheat, rice and other materials burnt into ashes.

Learned counsel for the petitioners submits that in fact, father of the informant/complainant sold the land to the

grand-father of petitioner no.1 and 2 in which mustered crop was planted but the informant and other family members started to uproot the same. On protest, petitioner no.3 Dular Sah and petitioner no. 2 Rakesh Sah were brutally assaulted, regarding which Mohammadpur P.S. Case No. 21 of 2014 was instituted on the same day and only to save the skin against the informant, the Complaint Case No. 489 of 2014 was filed on the next day i.e. on 20.02.2014, which is the basis of F.I.R.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by him within six weeks, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the C.J.M., Gopalganj in connection with Mohammadpur P.S. Case No. 35 of 2014, subject to the conditions laid down under Section 438(2) Cr. P.C.

(Rajendra Kumar Mishra, J.)

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