

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35494 of 2015

Arising Out of PS.Case No. -73 Year- 2015 Thana -BARBIGHA District- SEKHPURA

- =====
1. Mahesh Prasad Singh
 2. Umesh Prasad Singh
- Both are Sons of Late Dasrath Prasad Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-09-2015

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147/148/341/323/447/420/467/468/504/506/34 of the Indian Penal Code and 27 of the Arms Act.

It is alleged that for some part of the land a sale deed was executed by the informant in favour of the accused persons and for the part of the land the lease deed was executed but the accused persons fraudulently got an agreement to sale created and on that basis they filed Title Suit No. 39 of 2013 wherein there prayer for injunction has been rejected. The accused persons obstructed the informant in constructing the boundary wall over the land in question.

It is submitted by learned counsel for the petitioners that for a civil nature of dispute the present criminal case has been lodged which is sheer misuse of process of the court.

It is submitted by learned counsel for the informant that petitioners have earlier been convicted. Though it is submitted by learned counsel for the petitioners that Appeal is admitted against the same and the petitioners are on bail, hence, sentence is under suspension.

Considering the fact that the petitioners have been convicted, this Court is not inclined to grant anticipatory bail to the petitioners. But considering the nature of accusation it is a case for regular bail, if the petitioners surrender within a period of six weeks in connection with Barbigha P.S. Case No.73 of 2015, pending before the learned Judicial Magistrate, 1st Class, Sheikhpura.

It is expected that the learned court below will dispose of the application for regular bail, preferably, on the same day.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--