

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15283 of 2016

Arising Out of PS.Case No. -76 Year- 2015 Thana -SC/ST District- SITAMARHI

1. Jagannath Sah
2. Baidyanath Sah
Both sons of Ram Narayan Sah

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-04-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 420, 504/34 of the Indian Penal Code and section 3(1) (x) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case is that on 05.08.2009, petitioner no.1, Jagannath Sah came to the house of the informant and persuaded to purchase four and half katha of land at the rate of Rs.40,000/- per katha. Consequently, the informant paid Rs.1,55,000/- to petitioner no.1, who acknowledges the receiving. Thereafter, several times request was made but neither the sale deed was executed nor the money was returned. On 16.10.2015, when wife of the

informant went to make demand she was assaulted and abused by calling caste name. It is further alleged that petitioner no.2 and others also abused the informant's wife by calling caste name.

It is submitted by learned counsel for the petitioners that it appears unreasonable that when the petitioners agreed to sale the land in 2009 there was no occasion to lodge the FIR in 2015. There is no agreement to sale on record. In fact, the informant's side have encroached the land of the petitioners which was sold by father of the petitioner to one Ram Sundar Devi through a registered sale deed on 28.09.2015 and thereafter the present FIR was lodged. There is no injury report on record.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No.76/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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