

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53395 of 2016

Arising Out of PS.Case No. -172 Year- 2014 Thana -AHIAPUR District- MUZAFFARPUR

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1. Dukha Sahani,
 2. Chotu Sahani,
 3. Bhutuk Sahani, All three are son of Late Phuni Sahani,
 4. Munakiya Devi, W/o Late Phuni Sahani. All four are resident of Village- Chit Bhagwatipur, P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Sri Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 23-12-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Ahiyapur P.S. Case No. 172 of 2014/ G.R. No. 1544 of 2014 for the offences punishable under sections 341, 323, 307, 379, 452, 467, 468 and 120 (B)/34 of the I.P.C.

On the basis of the complaint petition this case has been registered with allegation that the petitioners want to take the land of the informant-complainant forcibly as the informant has got only one daughter who is looking after her with the aid and assistance of grand son and grand daughter. The petitioners assaulted her and took thumb impression on white papers forcibly



but due to the alarm being raised the witnesses came and the life of the informant was saved and in the meantime the petitioner no.1 took away the attaché wherein ornaments of the daughter and cash of Rs. 5,000/- were kept.

Submission is of false implication and that no occurrence as alleged has taken place and only with a view to put pressure she has filed the complaint case, no any injury has been caused to her and as such the offence under section 307 of the I.P.C. is not made out and the allegation under section 379 of the I.P.C. is ornamental, the petitioners have got no criminal antecedents so they deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail by submitting that the petitioners have committed the crime only with a view to grab the property of the informant.

In the facts and circumstances as stated above, considering the allegation I am not inclined to grant privilege of pre-arrest bail to the petitioners accordingly their such prayer stands rejected in connection with the aforesaid case pending in the court of C.J.M. Muzaffarpur.

(Jitendra Mohan Sharma, J)

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