

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30051 of 2016

Arising Out of PS.Case No. -88 Year- 2015 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Ramayodhya Sah, Son of Late Gopal Sah.
 2. Badari Sah, Son of Late Gopal Sah.
 3. Shankar Sah, Son of Late Gopal Sah.
 4. Ramnarain Sah, Son of Late Gopal Sah.
 5. Pankaj Sah, Son of Late Gopal Sah,
 6. Parmanand Sah, Son of Badari Sah.
 7. Sachidanand Sah alias Sachidanand Kumar, Son of Shankar Sah.
 8. Dayanand Sah alias Dayanand Kumar, Son of Shankar Sah.
 9. Dewanand Sah alias Devanand Kumar, Son of Ramnarain Sah.
- All resident of village - Hasanpur Bairiya, Police Station
Kundwachainpur, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 20-08-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Kundwachainpur P.S. Case No.88 of 2015 registered under
Sections 341, 323, 378, 427 and 354/34 of the Indian Penal Code
besides Sections 3(i)(x) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

The allegation of the informant is that plot nos.572, 573,



574 and 575 of khata no.165 of village-Hasanpur Tola were purchased in the name of her cousin father-in-law in the year 1930 in which her husband had share of 2 Kathas of land. In the share of land of her husband, one Neem tree was situated and rest portion of the same was cultivated by sowing paddy. On 27.11.2015, the informant received information that all the accused-petitioners are cutting the paddy crops on that land. At that time, the husband of the informant was not at the house, due to that reason, she went there and saw all the accused-petitioners cutting the Neem tree and paddy crops. When the informant made protest, she was caught hold and assaulted by them through fists and slaps. The accused-petitioners also tried to outrage her modesty denoting her caste name 'Chamarin'. At that time, all the accused-petitioners after cutting the Neem tree, concealed the same somewhere causing loss of Rs.4000/- to the informant. The informant came to know that the Neem tree has been kept at the police station by the petitioner no.1 Ramayodhya Sah.

Learned counsel appearing on behalf of the petitioners submits that, in fact, Title Suit No.267 of 1997 was filed by the petitioner no.4 Ramnarain Sah and petitioner no.1 Ramayodhya Sah regarding the land, as detailed in the First Information Report, before the Sub Judge-II, Motihari, against the husband of the

informant, who was opposite party no.14 in that suit, and others and the said suit was decided in favour of the petitioner nos.1 and 4 vide Judgment dated 27.06.2014 passed by the court of Sub Judge-III, Motihari, East Champaran but in spite of that the Neem tree was cut by the husband of the informant and others on 27.11.2015 regarding which petitioner no.1 lodged Kundwachainpur P.S. Case No.87 of 2015 on 02.12.2015 against the husband of he informant and others. Thereafter, the informant lodged the present case with false allegation on 06.12.2015 only to put undue pressure upon the petitioners.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, in connection with Kundwachainpur P.S. Case No.88 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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