

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12520 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -BARACHATTI District- GAYA
=====

Dayanand Prasad, Son of Late Rameshwar Prasad, Resident of Village-
Bumuar, P.S.- Mohanpur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

with

Criminal Miscellaneous No.16094 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -BARACHATTI District- GAYA
=====

Satendra Kumar Verma Son of Late Rambriksh Prasad, Resident of Village-
Bumuar, P.S.- Mohanpur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

(In Cr.Misc. No.12520 of 2016)

For the Petitioner/s : Mr. Nikhilesh Kumar, Adv.

For the Opposite Party/s : Mr. Ambika Bhagat (App)

(In Cr.Misc. No.16094 of 2016)

For the Petitioner/s : Mr. Nikhilesh Kumar, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan (App)
=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 27-06-2016 Heard both sides.

The petitioners apprehend their arrest in Barachatti
(Mohanpur) P.S. Case No. 7/2016, registered for the offence
punishable under Sections 323, 341, 354A, 379, 429, 436, 448, 504,
506 and 34 of the Indian Penal Code and Section 3(v)(xi)(xv)

of S.C./S.T. Act.

The informant alleged that while she was sleeping in her house along with family member the petitioners and other entered into her house and asked as to how she was living in her house situated on their land and further alleged that they abused and assaulted her and others and also set ablaze her house in which many articles turned into ashes.

Learned counsel for the petitioner submits that the land belongs to the petitioner and that is why this false case has been lodged. A proceeding under Section 144 of Cr.P.C. was also initiated vide annexure 5 and the same was decided in favour of the petitioner.

On the other hand, learned counsel for the informant submits that of course the informant has got no documents to show the ownership of the land, but it appears from the supervision note that father of the petitioner received Rs. 3600/- from the father of the informant, but no sale deed was executed. Panchayati was held, the petitioner received money for execution of sale deed but sale deed could not be executed.

It appears from the FIR and land possession certificate and other annexures that the land belongs to the petitioners. There was apprehension of breach of trust with regard to the land for which

proceeding under Section 144 of Cr. P.C. also initiated between the two sides and decision was in favour of the petitioner.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 7/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

Vinita/-

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