

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50373 of 2016

Arising Out of PS.Case No. -683 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Som Nath Thakur, S/o Late Rama Kant Thakur.
2. Priti Mishra, W/o Lalit Narayan Mishra.
3. Urmila Devi, W/o Uma Shankar Mishra.
4. Uma Shankar Mishra, S/o Late Kamod Mishra. All resident of Mohalla -
Madhuban Chhabni Chowk, P.S. Motihari Town, District East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Raj Kumar, Advocate.

For the Opposite Party : Smt. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2016 Heard learned counsels for the petitioners, informant and
learned counsel for the State.

The petitioners are apprehending their arrest in connection with Motihari Town P.S. Case No. 683 of 2015 for the offences instituted under Sections 147, 148, 149, 323, 387, 307, 379 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the informant purchased a piece of land measuring 2 Kathas and 3 dhurs in Motihari on 26.09.2014 from one Chitranjan Mukherjee and Swastika Mukherjee alongwith a building and shop complex. Prior to his purchase, the owner of the land executed a deed of power of



attorney in favour of petitioner no. 4. It is further alleged that petitioners by committing forgery took possession over the property. The informant several times remanded the petitioner nos. 4 and his son co-accused Lalit Narayan Mishra to vacate the same but they were demanding Rs. 20,00,000- as commission and called 30-40 gunman and given threatening to kill him and the manager of landlord. The wife of petitioner no. 4 and daughters, daughter-in-law, brother-in-law of petitioner no. 1 and some unknown persons with an intention to kill them assaulted with bricks batting upon them and on order of petitioner no. 4, his son co-accused Lalit Narayan Mishra fired from his roof which did not hit anybody. Amod Kumar, Arman Khan, Rana Singh and others came to save the informant they also received injury and became injured. Petitioner no. 4 is Bhumafia and has earned huge property and he has damaged Mukherjee family and has cheated them and upon the petitioners several cases are pending. Co-accused Lalit Narayan Mishra and Vikash Kumar snatched a bag containing Rs. 1,05,000/-.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. There is admitted land dispute between the parties. No



specific injury has been attributed against the petitioners. There are number of cases pending between the parties. Both sides are said to have sustained injury in course of the occurrence. It is a case and counter-case between the parties. It is further submitted that the informant's side are the aggressors.

On behalf of the learned counsels for the informant and the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Motihari Town P.S. Case No. 683/2015 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 C.J.M., East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

