

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1810 of 2017

Arising Out of PS.Case No. -165 Year- 2015 Thana -PHULPARAS District- MADHUBANI

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1. Ram Sewak Kamat, Son of Late Devlal Kamat, Resident of Village-Kalipur Parsa, P.S.-Ghonghardiha, District-madhubani
 2. Lakhan Kamat Son of Jagdish Kamat,
 3. Jagarnathi Sah @ Jagarnath Sah, Son of Bachcha Sah
 4. Pramod Sah, Son of Premlal Sah,
- All are Resident of Village-Brahmpura, P.S.-Phulparsa, District-Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 19-01-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Phulparas P.S. Case No. 165 of 2015 registered for the offence punishable under Sections 364 and 342/34 of the Indian Penal Code.

3. Accusation is of kidnapping of the husband of the informant.

4. Learned counsel for the petitioners has submitted that the entire case is an outcome of land dispute. In fact, petitioner No.1 Ram Sewak Kamat had given Rs. 1 Lac in Sharadh Ceremony of Nauriya Devi and also Nirash Sah, the husband of informant, has taken Rs. 8000



from Ram Sewak Kamat and given the land on mortgage on the pretext that if they will not return the aforesaid money, they will execute the land in favour of petitioner No.1 but subsequently neither the informant returned the consideration amount nor executed the sale deed, which is apparent from Annexure-3. On account of this fact, the entire prosecution story has been concocted in order to harass these petitioners and grab their money. No occurrence took place as alleged in the F.I.R. There is no specific allegation against these petitioners. Even in the statement of the victim recorded under Section 164 Cr.P.C. these petitioners have not been named rather the name of one Vinod Yadav has been disclosed.

5. Considering the facts and circumstances of the case, let 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, be enlarged on bail on furnishing bond of Rs. 10,000 (Ten Thousand rupees only) each with two sureties of the like amount each to the satisfaction of S.D.J.M, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 165 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Arvind Srivastava, J)

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