

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11883 of 2017

Arising Out of PS.Case No. -96 Year- 2013 Thana -BARBIGHA District- SEKHPURA

- =====
1. Rohit Kumar, S/o Late Pramod Seth Lohani, R/o Main Bazar, P.S. Barbigha in the District of Sheikhpura.
 2. Boltu Kumar, S/o Late Sri Pramod Seth Lohani, R/o Main Bazar, P.S.- Barbigha in the District of Sheikhpura.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. Satyendra Prasad

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 01-05-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Barbigha (Mission O.P) P.S. Case no. 96 of 2013, registered under Sections 323, 341, 427, 147, 148 and 380 of the Indian Penal Code.

The allegation of complainant Chandan Kumar is that his father purchased 1/2 decimal land of Khata No. 255, Khesra No. 2455 at Mauza-Shama Chak, P.S. Barbigha, District-Sheikhpura and a double storied building was constructed on the said land. Thereafter, on 04.06.2012, his father again purchased a land situated north side in the name of his wife. On 18.07.2012, the petitioners along with his father started damaging the house. At that time, he and his father gave information to the local Police then all the accused fled away. Thereafter, on 31.07.2012 petitioners along with their father and 8-10 others named in the F.I.R. entered in the house of informant through



roof and took old utensils worth of Rs. 25000/- along with ornaments worth of Rs. 5,00,000/- and other wooden logs. While informant went to the Police Station and gave an application regarding the occurrence, but no action was taken by the Police.

Learned counsel for the petitioners submits that while occurrence is said of 31.07.2012, but the complainant lodged the Complaint Case No. 293 (C) of 2012 in the Court of Chief Judicial Magistrate, Sheikhpura on 08.08.2012 after seven days of the occurrence without giving any proper explanation for delay. Further submission is that, in fact, the informant and his family members tried to grab the land, which was in the name of father of the petitioner due to that reasons hot talks were exchanged between the parties. Due to that reason the informant has lodged this complaint case only to give pressure on the petitioners and his family members.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the A.C.J.M-II, Sheikhpura in connection with Barbigha (Mission O.P) P.S. Case No. 96 of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

manish/-

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

