

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24601 of 2017

Arising Out of PS.Case No. -192 Year- 2016 Thana -ATHMALGOLA District- PATNA

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1. Nokha Rai, Son of Late Kailu Rai,
2. Bijendra Rai, Son of Nokha Rai,
3. Soyala Rai, Son of nokha Rai, All Resident of Village-Ganjpar, P.S.
Athmalgola, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 06-09-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Athmalgola P.S. Case No. 192 of 2016 for offence under Section 452, 341, 323, 354(B),363,379,427 and 504/34 of the Indian Penal Code.

The accusation is that due to flood the informant went to her *Maikey* along with her children, when she returned to her house, she found all articles including the bricks and door of her house was removed, when she enquired, she came to know that petitioners had purchased her property from her husband. Thereafter, she demanded her articles from the petitioners on which she was assaulted and abused by the petitioners. They also taken away her daughter with bad intention then she started



raising *hulla* on which people gathered and save them from the petitioners. She further alleged that her husband was also taken away by the petitioners for executing the sale deed in respect of her house.

Learned counsel appearing on behalf of the petitioners submits that, in fact, the village in which the house was situated, is a flood affected area. So the husband of the informant sold the house in the name of the petitioner no. 2 and 3 on 27.01.2015. But with ulterior motive the informant has lodged the case on 16.10.2016 with false allegations of removing her household articles by the petitioners.

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) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M, Barh, Patna in connection with Athmalgola P.S. Case No. 192 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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