

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52236 of 2017

Arising Out of PS.Case No. -116 Year- 2017 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

- =====
1. Lalan Singh, Son of Late Santu Singh,
 2. Kameshwar Singh, Son of Late Bishwanath Singh,
 3. Vimla Devi @ Bimla Devi, Wife of Lalan Singh, 1 to 3 are resident of Kurtha, P.S.- Belaon, District- Kaimur, At Bhabua.
 4. Pradeep Tiwari, Son of Sudama Tiwari, Resident of Village- Bichhiya, P.S.- Belaon, District- Kaimur, at Bhabua.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate
For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel for the State.

The petitioners apprehend their arrest in connection with Bhagwanpur (Belaon) P.S. Case No. 116 of 2017, registered for the offences punishable under Sections 341, 323, 387, 504, 506, 379/34 of the Indian Penal Code.

Allegedly, the petitioners came with tractor and started plowing the land of the informant which was purchased by the informant in the name of his wife and when the informant objected then they started abusing and in the meantime other co-accused came there and told that why ransom of rupees ten lacs



was not fulfilled and as such the land is being ploughed and further they abused, assaulted and snatched gold chain and further cash from the pocket.

Submission is of false implication and that land dispute is going on between the parties. This Court in second appeal No. 53 of 2016 directed both the parties to maintain status quo over the disputed land. The allegation making attempt for ploughing the said land by these petitioners is completely unbelievable and other allegations are completely false and has been made with a view to make a case serious. These petitioners have got no criminal antecedent and further the petitioner no. 1 and 2 are old persons whereas the petitioner no.3 is a lady and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioners have forcefully tried to plough the disputed land upon which there is direction to maintain status quo and as such they violated the order of this Court. The land is purchased by the wife of the informant and in her name rent receipts are also being issued. Other co-accused asked to fulfill the extortion demand of Rs. 10 lacs and also abused and threatened the informant as such the petitioners do not deserve pre-arrest bail.



In the facts and circumstances as stated above, considering that **petitioner no.3 (Vimla Devi @ Bimla Devi)** is a lady and, as such, she in the event of her arrest or surrender within four weeks from the date of receipt/production of a copy of this order **shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each** to the satisfaction of learned C.J.M. Kaimur (Bhabua), in connection with Bhagwanpur (Belaon) P.S. Case No. 116 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

So far as considering the allegation against **petitioners no. 1 (Lalan Singh), petitioner no.2 (Kameshwar Singh) and petitioner no.4 (Pradeep Tiwari)**, I am not inclined to grant privilege of pre-arrest bail to them and accordingly **their such prayer stands rejected.**

(Jitendra Mohan Sharma, J.)

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