

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43969 of 2017

Arising Out of PS.Case No. -185 Year- 2017 Thana -BAJPATTI District- SITAMARHI

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1. Shankar Sah, Son of Late Baiju Sah, R/o Village- Rasalpur, P.S.-
Bajpatti, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 21-09-2017 Heard learned counsel for the petitioner as well as

the learned counsel for the informant and also the learned

A.P.P. for the State.

The petitioner seeks regular bail in connection with

Bajpatti P.S. Case No. 185 of 2017 registered for the offence

punishable under Section 365 of the Indian Penal Code.

It has been submitted that there is bona fide land dispute

between the petitioner and the husband of the informant. The

husband of the informant claims the land by virtue of the

registered sale deed executed by one of the heirs of the land

owner. The petitioner, on the other hand, claims the land by virtue

of the settlement from the Government. The petitioner filed

Bajpatti P.S. Case No. 181 of 2017 against the husband of the



informant whereafter the husband of the informant escaped in order to avoid his arrest and, thereafter, the present case has been lodged by the wife of the said Sujeet Kumar vide Bajpatti P.S. 185 of 2017. The husband of informant filed a case bearing No. 44 of 2015-16 under the Bihar Land Dispute Redressal Act before the Deputy Collector, Land Reform, Pupri, which after hearing was dismissed with a liberty to file a case before civil court. Besides the aforesaid case, the tenant of the petitioner, namely, Naval Kishore Thakur, who was in occupying the shop premises, lodged an F.I.R. bearing Bajpatti P.S. Case No. 182 of 2017 against the husband of the present informant and the Circle Officer of Bajpatti lodged Bajpatti P.S. Case No. 184 of 2017 against the husband of the informant and the present petitioner for causing hindrance to public on public road. The husband of the informant was arrested after three months by the police and he was remanded to jail. The husband of the informant was produced before the learned Magistrate where his statement under 164 of the Cr.P.C. was recorded and in the said statement, he alleged about his kidnapping by the petitioner and other co-accused.

Be that as it may. There is a bona fide land dispute between the parties. The present case has been registered after the institution of three F.I.R. against the husband of the informant.



The petitioner is in custody since 29.06.2017, having clean antecedent except Bajpatti P.S. Case No. 184 of 2017, which was registered against both parties on the same day.

Considering the facts and circumstances stated above, the prayer of bail is allowed. The petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned S.D.J.M., Pupari at Sitamarhi in connection with Bajpatti P.S. Case No. 185 of 2017.

(Sanjay Kumar, J)

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