

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2660 of 2017

Arising Out of PS.Case No. -34 Year- 2016 Thana -JOGBANI District- ARRARIA

- =====
1. Anand Mohan Das @ Anil Das @ Anil Kumar S/o Late Shital Das but correct name S/o Late Bhagwat Das
 2. Yugeshwar Das, S/o Late Uchit Das, Both are residents of Village - Amauna, P.S. - Jogbani, District - Araria.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ambrish Rahul

For the Opposite Party : Mr. Sri Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-02-2017 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Jogbani P.S. Case No. 34 of 2016, registered for the offences punishable under Sections 448/454/380 of the Indian Penal Code.

Allegedly, the petitioners and other co-accused broke open the lock of the house of the informant and looted all the articles and when the husband of the informant protested, he was attacked and was told to execute sale deed of all the lands otherwise to face the dire consequences. The matter was reported to officer-in-charge, Jogbani, but no action was taken and the



matter was inquired by Circle Officer, Forbesganj and from report of Circle Officer, it is not a case of land dispute rather a criminal act but F.I.R. was not registered and then the application was given to S.D.P.O., Forbesganj, Araria.

Submission is of false implication and that the occurrence is alleged to be of 03.03.2016 but F.I.R. has been registered on 20.03.2016 after much delay, the matter appears to be land dispute, nothing has been recovered from possession of the petitioner or from their house. The petitioner no.1 is the son of Late Bhagwat Das, the petitioner no. 1 is rightful owner and, as such, they deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that the matter was reported at once to the officer-in-charge, Jogbani, but he evaded the matter and get the matter inquired by Circle Officer, Forbesganj, who has clearly reported that the matter appears not of land dispute but related to crime but inspite of that F.I.R. was not registered, so the delay is well explained further during investigation all the witnesses have supported the prosecution version and has stated the names of the petitioners regarding their involvement in the crime.

In the facts and circumstances as stated above,



considering that the witnesses are supporting the allegation and, as such, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with Jogbani P.S. Case No. 34 of 2016, pending in the Court of learned Chief Judicial Magistrate, Araria.

(Jitendra Mohan Sharma, J.)

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