

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21880 of 2017

Arising Out of PS.Case No. -109 Year- 2015 Thana -DHAMDAHA District- PURNIA

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1. Subodh Sah,
2. Pramod Sah,
3. Kumod Sah, All are sons of Late Harilal Sah,
4. Sobha Devi, wife of Subodh Sah,
5. Sabita Devi, W/o Komod Sah,
6. Seema Devi, W/o Pramod Sah, All R/o Vill- Saurkahi, P.S.- Dhamdaha,
Distt- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Mr. Sri Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-07-2017

It is stated by the learned counsel for the petitioners that as far as petitioner nos. 1 and 3 are concerned, this application has become infructuous as they have been arrested by the police and remanded to judicial custody.

In that view of the matter, the application, so far as petitioner no.1 Subodh Sah and petitioner no.3 Kumod Sah are concerned, is dismissed as infructuous.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Dhamdaha P.S.Case No. 109 of 2015 registered under Sections 147, 341, 323, 379, 384 and 504 of the Indian Penal



Code.

It is contended by the learned counsel for the petitioners that the father of petitioner nos. 1, 2 and 3 Late Harilal Sah had purchased 0.97 decimals of land situated in khata no. 210, khesra no.120 vide sale deed no. 4087 dated 08.05.1986 and on that basis they were coming in peaceful possession of the same. It is further stated that the informant also purchased some piece of land in the same khesra and started disturbing the peaceful possession of the petitioners then the petitioners finding no alternative had to file Title Suit No. 98 of 2015 in the court of Munsif, Purnea and in retaliation to that the informant has filed the instant case. He further submitted that as per the FIR no fire arm was used and all Sections are bailable except Sections 379 and 384 of the Indian Penal Code. However, even from the allegations made in the FIR, the ingredients of Section 384 of the Indian Penal Code are not made out.

Learned counsel for the State opposes the application for grant of pre-arrest bail to the petitioners.

Regard being had to the nature of allegation made in the FIR and the submissions made above, the petitioner no.2 Pramod Sah, Petitioner No.4 Sobha Devi, petitioner no.5 Sabita Devi and petitioner no.5 Seema Devi are directed to be released on



bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Purnea in connection with Dhamdaha P.S.Case No. 109 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, in the event of their arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J)

Pradeep/-

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