

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29942 of 2017

Arising Out of PS.Case No. -122 Year- 2016 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Hemant Kumar Singh, son of Dharnidhar Prasad Singh, working as Rajsua Karamchari cum in Charge Circle Inspector in Block Simribakhtiyarpur, District Saharsa, resident of village-Dhabouli, PS-Sour Bajar (Psatpar OP) & District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Birendra Kumar, son of late Ramjee Prasad, resident of village + PO+PS-Simri Bakhtiyarpur District Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 13-07-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Complaint Case No.122 of 2016 instituted for the offence under Section(s) 420, 467, 468, 504, 120-B Indian Penal Code.

As per the Complaint Petition, when complainant was constructing boundary wall on his land, Wakil Sah along with 15 persons raised objection by showing rent receipt and said that he has purchased the said land. The complainant got information that in the year 2015-16 rent receipt has been issued in the name of Basudeo Sah and has also said that there is no more land in Jamabandi no.490. It is further alleged that the



complainant approached the SDO and the Janta Darwar of Commissioner and DCLR but nothing has been done.

The petitioner is a revenue karamchari.

In this manner, there is no allegation of any specific overt act against the petitioner.

From the allegation, it appears that this is a matter of bonafide land dispute.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Complaint Case No.122 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st class, Saharsa, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to
move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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