

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35325 of 2017

Arising Out of PS.Case No. -103 Year- 2015 Thana -CHAURADANO District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mahendra Bhagat, Son of Deo Raj Bhagat, resident of Village- Mashi, P.S.- Chauradano, District- East Champaran.
 2. Hafiz Ansari, son of Late Farmullah Ansari, resident of Village- Jeet Pur, Tola Pandit Pur, P.S.- Chauradano, District- East Champaran.
- Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party : Mr. Sri Ram Bilash Roy Raman (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 11-08-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection with Chauradano P.S. Case No. 103 of 2015, registered for the offences punishable under Sections 147, 148, 323, 379, 307, 420, 462, 463, 464, 465, 467, 468, 471, 504/34 of the Indian Penal Code and Section 27 of the Arms Act and Section 82 of the Registration Act.

Allegedly, land of Khata No. 294, Plot No. 4900, measuring area 02 kathas was settled by Darbhanga Maharaj in favour of the informant. Sk. Wasi Ahamad executed sale deed to Malti Devi and thereafter with the help of petitioners robbed wheat crops after assaulting the informant.

Submission is of false implication and that the land



in question is ancestral land of Washi Ahamad and he sold his own share of property to Malti Devi, Washi Ahamad is the agnate of the informant and there is share dispute, the false case has been lodged on the basis of complaint petition. Moreover, till date the sale deed has not been challenged and Washi Ahamad and Malti Devi have already been allowed pre-arrest bail vide Cr. Misc. No. 43900 of 2015 by order dated 29.10.2015 and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. is not in a position to distinguish the case of the petitioners from those co-accused.

In the facts and circumstances as stated above, the petitioners in the event of their 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 bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sri S.K. Srivastava, J.M. 1st Class, Raxaul at Motihari, East Champaran, in connection with Chauradano P.S. Case No. 103 of 2015, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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