

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5485 of 2018

Arising Out of PS.Case No. -97 Year- 2017 Thana -BANGAON District- SAHARSA

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1. Ram Chandra Sah, son of Late Chotkan Sah
2. Gauri Shankar Sah
3. Gopal Kumar @ Gopal Kumar Sah
Both son of Sri Ram Chandra Sah, resident of Village and Post- Bariyahi Bazar, Ward No.- 6 and Police Station- Bangaon, District- Saharsa.
..... Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prajesh Kumar, Advocate
For the Opposite Party/s : Mr. P. Mehta, APP
For the complainant : Mr. Satish Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-02-2018 Heard learned counsel for the petitioners and learned counsel for the complainant.

The petitioners seek pre-arrest bail in connection with Bangaon P.S. Case No.97 of 2017 registered under Sections 420, 467, 468, 471, 120B, 323, 341, 447 and 506 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that the informant and his brothers forcefully cut down and took away the *Shisham* trees of the informant for



which Bangaon P.S., CaseNo.100 of 2016 was instituted under Sections 379, 384, 504 and 506 read with 34 of the Indian Penal Code on 03.12.2016. The present case is result of afterthought and the same is counterblast of aforesaid Bangaon P.S. Case No. 100 of 2016. It is further submitted that there is an unexplained delay of 17 days in even filing of complaint case and a total delay of 2 months 13 days in registration of FIR. Lastly, it is contended that the allegation of the informant is of civil nature and the informant has already filed a Mutation Appeal bearing Case No.18 of 2015 before the learned Deputy Collector Land Reforms, Saharsa wherein the petitioner appeared and contesting the matter.

On the other hand, learned counsel for the complainant submitted that the petitioners in a conspiracy created a forged *Panchnama* and consent letter regarding the land in dispute and by playing fraud upon Circle Officer, they got jamabandi for 4 Katha 14 Dhurs land in the name of Ramchandra Sah.

Be that as it may, regard being had to the nature of allegations and the submissions made on behalf of the parties, in the event of arrest or surrender in the court below within six



weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Saharsa in connection with Bangaon P.S. Case No. 97 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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