

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39464 of 2018

Arising Out of PS. Case No.-40 Year-2018 Thana- RANIYATALAB District- Patna

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1. Mirtunjay Kumar, Son of Madan Singh,
 2. Lokesh Narayan Sharma, Son of Ram Lotan Sharma,
 3. Ram Lotan Sharma, Son of Late Sudama Singh,
- All are R/o- Nisaupura, P.S.- Ranitalab, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Sri Chaubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-07-2018 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 379 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 19.02.2018 submitted by Ajay Kumar Pandey to the Station House Officer, Rani Talab Police Station is to the effect that the informant resides at Surat for earning his livelihood. The father-in-law of the informant has four daughters. One of the daughter of the father-in-law of the informant, namely, Dazy Devi resides with her husband, namely, Ramesh Kumar at Maner Tiwari Tola. Ramesh Kumar used to live in company



with some anti social elements, who on the basis of a fake document, transferred the part of the land of the father-in-law in favour of the petitioners. Thereafter, the wife of the informant filed Title Suit No. 31 of 2015 which is pending. On 26.11.2017, the informant received telephonic information that the petitioner no.1, Mritunjay Kumar along with other persons have cut six Sesame tree of the petitioners from the said land, leading to registration of the present case.

It is submitted by learned counsel for the petitioners that the petitioners are purchaser of the land in question from the brother-in-law of the informant. Hence, the question of committing theft of Sesame trees from the said land appears unreasonable. There is no proof with regard to cutting of trees. It is further submitted that Lokesh Narayan Sharma, petitioner no.2, lodged Rani Talab P.S. Case No.38 of 2016 against the informant of this case and family members with accusation under Sections 120, 406, 420, 467, 468,471,506,34 of the I.P.C. The petitioners are named in two other cases also, a statement to that effect has been made in paragraph no.3 of the petition.

It is submitted by learned APP for the State that the petitioners are named in the FIR.

Considering the nature of accusation alleged in the



background of title dispute and pending suit, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Danapur, in connection with Ranitalab P.S. Case No.40 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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