

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54920 of 2017

Arising Out of PS.Case No. -348 Year- 2017 Thana -SA SARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Baijnath Singh, S/o Late Subedar Singh
 2. Prasad Singh @ Shiv Prasad Singh S/o Late Suraj Singh
 3. Bhanu Pratap Singh @ Sanjay Singh, S/o Baijnath Singh
 4. Munna Singh
 5. Jitendra Singh both sons of Baijnath Singh
 6. Hare Ram Singh, S/o Late Bahadur Singh
 7. Bimal Paswan S/o Late Ram Prasad Paswan
 8. Jitendra Thakur @ Jitendra Singh S/o Sheonath Thakur
 9. Ramanad Mahto S/o Sarju Mahto
 10. Shambhu Mahto @ Shambhu Singh S/o Mahesh Mahto
 11. Sriram Singh S/o Late Bahadur Singh

All R/o Village Amari, P.S. Sasaram (Mufasil) District- Rohtas

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rewti Kant Raman, Advocate

For the Opposite Party : Mr. Smt. Sharda Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 12-01-2018 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection
with Sasaram (M) P.S. Case No. 348 of 2017, registered for the
offences punishable under Sections 147, 148, 149, 323, 307, 384,
427, 379, 447 of the Indian Penal Code and Section 27 of Arms
Act.

Allegedly, the petitioners along with ten unknown
persons went at the land of the informant where the informant was



watering boundary wall, started abusing and Bhanu Pratap Singh and Munna Singh opened fire but the same did not hit and then the informant and his brother fled away and then again Hare Ram Singh opened fire which also did not hit anyone. The petitioners damaged the boundary wall and further took away bricks valued at Rs. 40,000/- and caused loss of Rs. 4,00,000/-.

Submissions is of false implication and that land dispute is going on between the parties. Earlier the petitioner no.1 has lodged Sasaram P.S. Case No. 1207 of 2015 against the informant and others vide Annexure-2. No injury has been caused to anyone. The petitioner no.1 Baijnath Singh and Sailesh Singh have filed Title Suit No. 319 of 2017 in the Court of Sub-Judge-1st, Sasaram. A proceeding under Section 144 of the Cr.P.C. was also going on in between the parties wherein order has been passed in favour of the informant resulting, the petitioner no.1 has filed Cr. Revision No. 10 of 2016 in the Court of District and Sessions Judge which was transferred to the Court of Additional Sessions Judge-VIIth, Rohtas and by order dated 02.02.2017, the revision has been disposed of as 60 days have already expired and the order passed under Section 144 Cr.P.C. has lost its force. Chak Khatian has already been prepared in the name of petitioner Baijnath and Bahadur Singh and, as such, the informant has got no



right to go near the said land and said khatian has not been challenged by him till date.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that no injury has been caused to any one. The petitioner no.1 has earlier lodged Sasaram Muffasil P.S. Case No. 1207 of 2015 against the informant and others in respect of the land for which the informant has lodged this case and further Title Suit is going on and, as such, 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 Chief Judicial Magistrate, Rohtas, in connection with Sasaram (M) P.S. Case No. 348 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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