

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26539 of 2018

Arising Out of PS.Case No. -97 Year- 2014 Thana -SAHARSA District- SAHARSA

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1. Ramesh Sharma, Son of Kamal Sharma

2. Dropadi Devi, Wife of Ramesh Sharma

Both residents of village - Dhamsaini Morkahi, P.O. - Sulindabad, P.S.
and District- Saharsa.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Sri Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 07-05-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Saharsa Sadar P.S. Case No. 97 of 2014 registered under
Sections 147, 148, 465, 467, 468, 341, 323, 504, 506 and 420
read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that co-accused Sabitri Devi and Kameshwar Prasad
Sharma having identical allegation have already been granted
pre-arrest bail vide order dated 03.09.2015 passed in Cr. Misc.



No. 35344 of 2014 by Bench of this Court. It is further submitted that the entire dispute is of civil nature for which remedy is to file suit.

On the other hand, learned counsel for the State submitted that the informant of the case has been cheated by the petitioners. Petitioner no. 2 sold a piece of land, which had already been sold by her ancestors. However, he admitted that the case of the petitioners stand on the same footing to that of the other two accused persons, who have already been granted pre-arrest bail by this court.

Considering the submissions made above, 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 Chief Judicial Magistrate, Saharsa in connection with Saharsa (Sadar) P.S. Case No. 97 of 2014 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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