

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64136 of 2018

Arising Out of PS. Case No.-583 Year-2018 Thana- SAHARSA District- Saharsa

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1. Bhupendra Sah @ Bhupendar Sah Son of Moti Sah
 2. Binita Devi Wife of Bhupendar Sah @ Bhupendra Sah
 3. Saburi Sah Son of Late Faudar Sah
 4. Manoj Sah son of Saburi Sah, All Resident of Village-Dumrail,
Ward No.34, P.S. & Distt. Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha
For the Opposite Party/s : Mr. Mukesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Saharsa Sadar P. S. case no. 583/2018 registered under section
341, 323, 354, 379, 427, 384, 504 and 506 of the IPC.

Accusation against the petitioners is that they, having
entered into the house of the informant, assaulted her and also
took away belongings of her house and in that course on the
instigation of the petitioner no.3, petitioner no.1 made attempt to
outrage modesty of the informant.

Submission on behalf of the petitioners is that three
days prior to the alleged occurrence, prosecution party



demanded extortion money from the petitioner no.1 when he got constructed boundary wall of the land and for which petitioner no.1 lodged Saharsa Sadar P. S. case no. 567/2018 against the prosecution party. Learned counsel for the petitioners, further, submits that, as a matter of fact, there was land dispute between the parties and the informant of the present case has brought this false case in retaliation to Saharsa Sadar P. S. case no. 567/2018. He also submits that moreover, none has sustained any injury and except sections 384, 379 and 354 IPC, all remaining sections are bailable in nature and so far as sections 384, 379 and 354 IPC are concerned, the same have been inserted with an object to make the offence graver.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioners do not have any criminal antecedent and there was land dispute between the parties, in the event of arrest/surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Saharsa Sadar P. S. case no. 583/2018 subject to condition as laid down under section 438(2)



of the Cr.P.C.

(Hemant Kumar Srivastava, J)

s.hassan/-

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