

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31297 of 2018

Arising Out of PS.Case No. -959 Year- 2017 Thana -
AHIAPUR District- MUZAFFARPUR

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1. MANOJ KUMAR SAH @ MANOJ KUMAR, son of Ram Narayan Sah, resident of Village- Shantipur Bochaha, P.S.- Bochaha, District- Muzaffarpur.
2. Ashok Kumar @ Ashok Sah, son of Shankar Sah,
3. Shankar Sah son of Late Lakhan Sah,
4. Upendra Sah son of Devan Sah Petitioner no. 2 to 4 are the resident of Village- Mahhadinpur, P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Sri Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 28-06-2018 The petitioners seek bail in anticipation of their arrest in connection with Ahiyapur P.S. Case No. 959 of 2017 dated 14.11.2017 instituted for the offences under Sections 147, 148, 149, 341, 323, 325, 406, 420, 379, 504 of the Indian Penal Code.

It has been alleged in the F.I.R that the petitioners had agreed to transfer a plot of land to the informant for a consideration amount. Pursuant to the aforesaid agreement, the money had regularly been paid by the informant in installments and when only Rs. 50,000/- was left to be paid,



the informant went to the house of the petitioners to get the sale deed executed after offering the balance payment. However, to his surprise, it has been alleged, he found that the land which was to be sold to the informant was put to agricultural use. When the informant protested about the same, he was assaulted by the petitioners. When his nephew viz. Sudhanshu Kumar came to his rescue, he too was assaulted. It has been alleged that both the informant and Sudhanshu Kumar received injuries for which they had to be treated at S.K.M.C.H., Muzaffarpur.

From the records, it appears that there is a counter version of the occurrence. The petitioner No. 1 had also filed a case against the informant of the present case for the offences under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code and Section 25(1-b)a, 26, 27, 35 of the Arms Act. In the aforesaid counter version, it has been alleged that the informant of the present case tried to kill Manoj Kumar Sah (petitioner No. 1) but was chased by the villagers. In this process, one Sudhanshu Kumar was also hurt. The weapon which was being carried by the informant of the present case was also seized. A copy of the F.I.R lodged by Manoj Kumar Sah (petitioner No. 1) and the seizure list have been brought on record.

The learned counsel for the petitioners has submitted



that the informant is a land-grabber, who only by offering Rs. 1000/- was trying to take control and possession of the land of the petitioners. This is evident from the fact that the consideration amount has not been disclosed by the informant in the F.I.R.

Considering the aforestated facts, the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today is directed to be released on bail on their 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, Muzaffarpur in connection with Ahiyapur P.S. Case No. 959 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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