

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18051 of 2018

Arising Out of PS.Case No. -375 Year- 2017 Thana -KODHA District- KATI HAR

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1. Manoj Mahaldar, S/o Panchu Mahaldar,
 2. Sajan Devi @ Sajani Devi, W/o Manoj Mahaldar,
 3. Panchu Mahaldar, S/o Late Motilal Mahaldar,
 4. Rupesh Mahaldar @ Rupesh Kumar, S/o Manoj Mahaldar, All are R/o Mirjapur, P.S.- Korha, Distt.- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.
For the Opposite Party/s : Smt. Anusuiya Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 10-05-2018 The prayer for anticipatory bail of petitioner Nos.1 and 3 namely, Manoj Mahaldar and Panchu Mahaldar was dismissed as withdrawn vide order dated 30.03.2018 passed by this Court.

Heard learned counsel for the petitioners and the State.

The petitioner Nos. 2 and 4 apprehend their arrest in **Korha P.S. Case No. 375 of 2017** instituted for the offence under Sections 452, 341, 436, 504 and 506/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that there is land dispute between the parties. The petitioners have purchased the land in question over which the informant forcibly



built a thatched house, and he himself set fire in the house to grab the land of the petitioners. Petitioners have enclosed sale deed with respect to purchase of the aforesaid land annexed as Annexure-2. It has further been submitted that petitioner No. 2 has filed Korha P.S. Case No. 442 of 2017 against the informant and others.

In the written report there is general and omnibus allegation that these petitioners set the house on fire in which articles were kept.

Case diary has been received.

The police has mentioned in paragraph-8 of the case diary that there was a thatched house which was not utilized for dwelling purpose.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner Nos. 2 and 4 namely, Sajan Devi @ Sajani Devi and Rupesh Mahaldar @ Rupesh Kumar is allowed. In the event of surrender/arrest of the petitioner Nos. 2 and 4, named above, within six weeks from today, in connection with **Korha P.S. Case No. 375 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Chief Judicial**



Magistrate, Katihar, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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