

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58589 of 2018

Arising Out of PS. Case No.-55 Year-2018 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Akal Sada @ Akkal Sada, S/o Biju Sada,
 2. Sakal Sada @ Sakkal Sada, S/o Niro Sada,
 3. Anil Sada, S/o Chanora Sada,
 4. Sriram Mahto @ Shri Ram Mahto, S/o Jhari Mahto,
 5. Naresh Sada, S/o Chalo Sada,
 6. Jhari Sada @ Kari Sada, S/o Biso Sada,
 7. Laxmi Sada, S/o Bhikho Sada,
 8. Phulena Sada @ Phulo Sada, S/o Biso Sada,
 9. Ramjee Sada, S/o Behadur Sada,
 10. Gandauri Sada S/o Garho Sada. All R/o Vill.- Manjhaul, Tola Rajraha, P.O. & Cheria Bariarpur (Manjhaul), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Shakib Ayaz, Advocate.
For the State	:	Mr. Chaubey Jawahar, A.P.P.
For the Informant	:	Mr. Uma Shankar Prasad Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 21-12-2018 Vide order dated 26.10.2018, anticipatory bail application of petitioner no. 4 Sriram Mahto @ Shri Ram Mahto has already been dismissed as withdrawn as he was arrested.

Heard learned counsel for the petitioner nos. 1 to 3 and 5 to 10, learned counsel for the informant and learned A.P.P. for the State.

The petitioner nos. 1 to 3 and 5 to 10 are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 427, 447, 504, 506, 379, 385, 307



of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the petitioners with the help of fifty unknown male and female *Naxali* have uprooted the crops of the informant and when he objected then they put pistol on his chest and stated that they will have to pay levy of rupees 50,000/-. Thereafter they fled away after making slogan as *Naxali Zindabad*.

It has been submitted by learned counsel for the petitioner nos. 1 to 3 and 5 to 10 that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case. There is admitted land dispute between the parties. They claimed the title and possession over the land in question. None is said to have been injured in course of occurrence.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner nos. 1 to 3 and 5 to 10 are named in the F.I.R. Accused persons demanded *Rangdari* and uprooted crops belong to the informant. The witnesses in paragraph nos. 6 and 7 of the case diary have supported the said facts. A proceeding under Section 144 Cr. P.C. was also initiated between the parties. As per the report of



the Circle Officer, informant has been coming in the peaceful possession of the land in question. Altogether 10 named accused persons alongwith 50 unknown came armed with various weapons in the field of the informant and uprooted the crops and fled away with a *Moist Slogan*.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. (Bail petition of petitioner no. 4 Sriram Mahto @ Shri Ram Mahto has already been dismissed as withdrawn). The same is rejected in connection with Cheria Bariarpur (Manjhaul) P.S. Case No. 55/2018, pending in the court of learned A.C.J.M. Manjhaul, Begusarai.

Anyhow, if the petitioner nos. 1 to 3 and 5 to 10 surrender and pray for regular bail, the same shall be considered on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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