

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4208 of 2019

Arising Out of PS. Case No.-69 Year-2018 Thana- PARIHAR District- Sitamarhi

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1. Raghvendra Kumar @ Bittu Kumar son of Ram Pravesh Thakur,
 2. Gautam Kumar son of Sikandar Thakur
- Both resident of Village- Baghari, P.S.-Sursand, District - Sitamarhi
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsel for the petitioners and

learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Parihar P.S. Case No.69 of 2018 registered for the offences punishable under Sections 394, 120B of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted by the learned counsel for the petitioners that from perusal of the first information report itself, it would appear that the petitioners have been falsely implicated in this case. The specific allegation in the first information report of causing robbery and injury to the informant is against accused Kanhai Singh, Mahashankar Kumar and Sonu Kumar @ Sony Rock. The informant does not even allege presence of the petitioners at the place of occurrence. He has suspected the



hands of the petitioners merely because a few days back, they had threatened him of dire consequence if he would not stop raising boundary near his house. He contended that the ancestor of the informant namely, Brijnandan Chaudhary had sold the land of Khata No.365, Jamabandi No.239 to the ancestor of the petitioners namely, Nathuni Thakur through the sale deed dated 13.06.1967. After purchase, the said land was mutated in favour of Nathuni Thakur and accordingly the rent is being paid to the State Government and rent receipt was issued in favour of Nathuni Thakur. The said purchased land of the petitioners' ancestor was again sold by the father of the informant to one Rajeshwar Raut through the sale deed dated 17.05.2017. Thereafter, a proceeding under Section 144 of the Code of Criminal Procedure is going on over the said land in between the subsequent purchaser and father of the petitioners being Case No.464 of 2017 before the Sub-divisional Magistrate, Pupri.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioners. He submitted that though the petitioners' presence has not been alleged the place of occurrence, the informant has suspected their hands also in the alleged commission of the offence.



Be that as it may, considering the totality of the circumstances, in the event of arrest or surrender in the court below within a period of six weeks, 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 Judicial Magistrate-1st Class, Sitamarhi in connection with Parihar P.S. Case No.69 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan

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