

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17735 of 2019

Arising Out of PS. Case No.-136 Year-2017 Thana- SALIMPUR District- Patna

1. DAYA NAND RAI Son of Mangal Rai
2. Ram Sagar Sao @ Sagar Sao Son of Late Sahdev Sao
3. Nagdev Rai Son of Yogendra Rai
4. Rupal Rai Son of Tilak Rai
5. Tetar Rai Son of Late Nanhak Rai
All R/o village- Gyaspur Mahaji, P.S- Salimpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar Thakur

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 17-07-2019 The petitioners apprehend their arrest in connection with Salimpur P.S. Case No. 136 of 2017 registered under Sections 147, 148, 384, 386 and 387 of the Indian Penal Code.

The allegation against the petitioners, as per FIR, is that petitioners, along with other accused persons, arrived at the place of occurrence and prevented the informant from cutting jack fruit tree, which is standing on the plot No. 207 of the informant.

Learned counsel for the petitioners submits that allegation against the petitioners is absolutely false and concocted and at no point of time, *Rangadari* was demanded by the petitioners. Learned counsel, by filing supplementary affidavit bringing on record the measurement report, submits that the fact of the matter



is that alleged jack fruit tree is standing in plot No. 206 and not on plot No. 207 and on the plot No. 206, there is Devi Sthan and school and the same is used by general public.

Learned counsel further submits that villagers were preventing the informant from cutting the jack fruit tree from plot No. 206, therefore, the informant has implicated 16 persons of the same village including the petitioners in this case.

After having heard learned counsel for the parties and taking into consideration the fact that from the measurement report, it appears that jack fruit tree is standing in plot No. 206 and not on, as alleged in the FIR i.e., Plot No. 207, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned ACJM, Barh, Patna in connection with Salimpur P.S. Case No. 136 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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