

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26151 of 2019**

Arising Out of PS. Case No.-1 Year-2010 Thana- DUMARIYA District- Gaya

1. Bhola Bhuiyan @ Bhola Bhuiyan S/o Panchu Bhuiyan R/o village- Hesra, Rampur, P.S.- Dumariya, District- Gaya.
2. Govind Bhuiyan @ Govinda Bhuiyan S/o Baudh Bhuiyan @ Baudha Bhuiyan R/o village- Harni, P.S.- Dumariya, District- Gaya.
3. Shiv Bhuiyan S/o Baudh Bhuiyan @ Baudha Bhuiyan R/o village- Harni, P.S.- Dumariya, District- Gaya.
4. Chhathu Bhuiyan S/o Late Ganpati Bhuiyan R/o village- Hesra, Rampur, P.S.- Dumariya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate.

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

ORAL ORDER

2      23-04-2019                      Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dumariya P.S. Case No.1 of 2010 registered under Sections 144 and 379 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that the informant cut the paddy crops and left the same in his field but on 04.01.2010, 21 persons, named in the F.I.R., including the petitioners and 20-30 unknown took away his paddy crops.



Learned counsel for the petitioners submits that the said land belongs to the petitioners and the petitioners had filed an application before the District Collector, Gaya, for handing over the possession of the same in their favour by the informant in which, after inquiry, order was passed by the Additional Collector, Gaya, on 12.05.2000, for handing over the possession in favour of the petitioners and in case, the possession is not handed over in their favour by the informant, for lodging the case, which would appear from Annexure-2 series to this application but the informant lodged the present case falsely. Moreover, the co-accused Haricharan Bhuiyan and 7 others have already been granted the privilege of pre-arrest bail by a coordinate Bench of this Court vide order dated 16.04.2015 passed in Criminal Misc. No.43536 of 2014. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Sherghati, Gaya, in connection with Dumariya P.S.



Case No.1 of 2010, subject to the conditions laid down under  
Section 438(2) Cr.P.C.

**(Rajendra Kumar Mishra, J)**

P.S./-

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