

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37008 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- NAUTAN District- West Champaran

1. NAND LAL SAHANI Son of Late Eka Sahani Resident of Village - Dakshin Telhua, Mujwania, P.S.- Nautan, District - West Champaran.
2. Vijay Sahani Son of Nand Lal Sahani Resident of Village - Dakshin Telhua, Mujwania, P.S.- Nautan, District - West Champaran.
3. Vinod Sahani Son of Nand Lal Sahani Resident of Village - Dakshin Telhua, Mujwania, P.S.- Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-06-2019 Heard both sides.

The petitioners apprehend their arrest in Nautan P.S. case No. 32 of 2019 registered under Section 341, 323, 504, 506, 354/34 of the IPC.

The informant alleged that petitioners came and began to demolish the wall of latrine of the informant. When the informant objected, Vijay Sahni dragged the informant and also made her semi naked. When grand daughter of informant came to save, the accused persons also dragged her.

The learned counsel for the petitioners submits that much prior to institution of the present case the petitioners filed Title Suit No. 30 of 2013 against Lallan Sahani, husband of informant, and his brother, Motilal Sahni, for declaration of title and confirmation of possession over the land. The husband of informant had encroached some portion of land of the



petitioners and in order to desist the petitioners from claiming title over the land the informant lodged the case making false and frivolous allegation.

Considering the facts aforesaid and nature of allegation made against the petitioners and the fact that much prior to institution of the present case in the year 2019, the petitioners had already filed title suit against husband of the informant and others for declaration of title and confirmation of possession over the land, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to 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 learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Nautan P.S. case No. 32 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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