

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45665 of 2019

Arising Out of PS. Case No.-1823 Year-2017 Thana- SASARAM MUFFSIL District- Rohtas

1. Sakil Khan Son of Jahir Khan, Resident of Village - Baradih, P.S.- Sasaram, Dist.- Rohtas.
2. Jakir Khan Son of Jahir Khan, Resident of Village - Baradih, P.S.- Sasaram, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar Singh

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-07-2019 Heard both sides.

Petitioners apprehend their arrest in Sasaram (Muffasil) P.S. Case No.1823 of 2017 registered under Sections 147, 148, 149, 341, 323, 379, 307, 447, 504 and 506 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that the petitioners and others started harvesting his paddy crops. When the informant and his son-in-law objected, Sakil Khan (petitioner no.1) and his sons pointed rifle on the informant and fired on his son-in-law but it did not hit him. It is further alleged that the petitioners along with other accused persons took away the entire paddy crops from the field of the informant.



Learned counsel for the petitioners submits that nobody sustained any injury. Petitioner no.1 earlier filed Title Suit No.1139 of 2015 against the informant and his brother. Petitioner no.1 is *bataidar* of the informant and petitioner no.1 gave Rs.8 lacs to the informant for purchasing the lands but from perusal of the plaint of title suit itself, it appears that one place petitioner no.1 claimed to be *bataidar* of the informant and at the same time petitioner no.1 claimed his right and possession over the land by virtue of oral agreement for sale and payment of Rs.8 lacs to the informant that too without any chit of paper. This fact itself shows that the petitioners wanted to grab the land of the informant and that is why they used force in harvesting the paddy crops from the field of the informant.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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