

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46048 of 2019

Arising Out of PS. Case No.-359 Year-2018 Thana- KARAHGAR District- Rohtas

1. DHANJEE CHAUDHARY Son of Satya Narayan Chaudhary Resident of Village - Badahari, P.S.- Kargahar (Badahari), District- Rohtas at Sasaram
2. Sanjay Chaudhary Son of Satya Narayan Chaudhary Resident of Village - Badahari, P.S.- Kargahar (Badahari), District- Rohtas at Sasaram
3. Santosh Chaudhary Son of Satya Narayan Chaudhary Resident of Village - Badahari, P.S.- Kargahar (Badahari), District- Rohtas at Sasaram
4. Hareram Chaudhary Son of Satya Narayan Chaudhary Resident of Village - Badahari, P.S.- Kargahar (Badahari), District- Rohtas at Sasaram
5. Satya Narayan Chaudhary Son of Late Shiv Jatan Chaudhary Resident of Village - Badahari, P.S.- Kargahar (Badahari), District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr.R.B. Roy 'Raman', APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-07-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Kargahar(Badahari) P.S. Case No. 359 of 2018, disclosing the offence under Sections 341, 323, 447, 384, 379, 504, 506, 34 of the Indian Penal Code.

It is evident from the First Information Report that the informant and persons named in the FIR have dispute in respect of landed property. The occurrence is said to have taken place in that background with allegation that the informant was attempting to take forcible possession over the land in question.



Petitioners no. 1 to 4 are sons of petitioner no. 5. All of whom have been made accused.

Learned counsel appearing on behalf of the petitioners has submitted that no offence under Section 379 of the IPC can be made out and lodging of criminal case is malicious.

Considering the above submission, this application is allowed. Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned A.C.J.M., Sasaram, Rohtas in Kargahar(Badahari) P.S. Case No. 359 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/ Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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