

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52870 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- SIKARPUR District- West Champaran

1. SAIMULLAH GADDI, aged about 35 years, Male, Son of Lorik Gaddi, Resident of Village - Rakhahi, P.S.- Shikarpur, District- West Champaran
2. Indrajeet Gaddi, aged about 50 years, Male, Son of Lorik Gaddi, Resident of Village - Rakhahi, P.S.- Shikarpur, District- West Champaran
3. Kasim Gaddi, aged about 32 years, Male, Son of Horil Gaddi, Resident of Village - Rakhahi, P.S.- Shikarpur, District- West Champaran
4. Ghuil Gaddi, aged about 35 years, Male, Son of Horil Gaddi, Resident of Village - Rakhahi, P.S.- Shikarpur, District- West Champaran
5. Salim Gaddi, aged about 45 years, Male, Son of Lorik Gaddi, Resident of Village - Rakhahi, P.S.- Shikarpur, District- West Champaran

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Sanjay Kumar No 7, Adv.
For the Opposite Party : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-08-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Shikarpur P.S. Case No. 33 of 2019 for the offences alleged under Sections 341, 323, 420, 384, 188, 504 and 34 of the Indian Penal Code.

The accusation is that after passing the decree in Title Suit No. 208 of 1995, in favour of the informant, Shk Naushad Rashid, in respect of plot no. 1040, 1041 khata no. 304, area 13 katha and 4 dhur he was doing his work, at that time petitioners



and one Ali Gaddi, variously armed with weapon started abusing him. At that time petitioner no. 1, Saimullah Gaddi, and petitioner no. 2, Indrajeet Gaddi, folded the blanket at his head and laid him on ground and started assault by fists and slaps. At that time Ali Gaddi snatched the cash of the informant.

The submission of the learned counsel for the petitioners is that after passing the decree in favour of the informant in Title Suit No. 208 of 1995 the petitioners filed Title Appeal No. 16 of 2012, but, informant started capturing the land in dispute, which is in possession of the petitioners, due to which hot talk took place, but, due to ulterior motive the petitioners have been implicated in this case.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Shikarpur P.S. Case No. 33 of 2019 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran at Bettiah, or the successor Court



subject to the conditions as laid down under Section 438(2)
Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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