

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76734 of 2018

Arising Out of PS. Case No.-323 Year-2018 Thana- KESARIA District- East Champaran

1. Raj Kumar Sahani, Son of Late Gyachan Sahani,
2. Mahendra Sahani @ Mahesh Sahani, Son of Late Baidhnath Sahani,
3. Ajay Sahani, Son of Mahesh Sahani @ Mahendra Sahani, All residents of Village- Bhagwatiya Tola Siwan, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Sri Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 09-01-2019 Heard the learned counsel for the parties.

This application for anticipatory bail arises out of Kesariya P.S. Case No.323 of 2018, disclosing offences under Sections 406,420,467,471,384,504,506/34 of the Indian Penal Code.

It is apparent from the First Information Report that there is dispute between the parties over a piece of land, which according to the informant was being cultivated by the accused persons on the alleged date of occurrence, i.e. 06.07.2018.

Learned counsel appearing on behalf of the petitioners has submitted that for an occurrence alleged to have taken place on 06.07.2018, the F.I.R. came to be registered on 06.08.2018



which casts serious doubt on the veracity of the case of the prosecution. She also contends that based on counter version of the same occurrence, Kesariya P.S. Case No. 358 of 2018 has been registered.

Be that as it may, considering the genesis of the occurrence and the nature of accusation, 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 11th Additional Chief Judicial Magistrate, Motihari, East Champaran in Kesariya P.S. Case No.323 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner 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.

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(Chakradhari Sharan Singh, J)

