

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2147 of 2020

Arising Out of PS. Case No.-69 Year-2018 Thana- POTHIIYA District- Kishanganj

1. Naresh Hansda @ Naresh Hasda Son of Karu Hansda, Resident of Village - Pokharia, P.S. - Gowalpokhar, District - Utter Dinajpur (W.B.)
2. Dilu Murmu Son of Lt Raghu Murmu, Resident of Village - Kchakhuwa, P.S. - Pothia, District - Kishanganj.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-01-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Pothia P.S. Case No. 69 of 2018 registered for the offences punishable under Sections 447, 147, 148, 149, 386, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the petitioners have made accused only on the basis of suspicion and there is general and omnibus allegation against the petitioners. Other co-accused persons have already been granted regular as well as



anticipatory bail by the learned Co-ordinate Benches of this Court.

Learned counsel also submits that this is a case over land dispute and the petitioners are tribal and are claiming their land on which company is trying to establish his possession and the other two cases on their heads are of trivial nature and the petitioners are on bail in those cases. The petitioners are in custody since 26.10.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, wherein the FIR has been lodged against 12 named as well as 15-20 unnamed accused persons and that the co-accused Ram Lal Soren and other co-accused have already been granted regular as well as anticipatory bail by the learned Co-ordinate Benches of this Court in Cr. Misc. No. 3898 of 2019 and Cr. Misc. No. 67514 of 2019 respectively, the submission of learned counsel that this is a case over land dispute and the petitioners are tribal and are claiming their land on which company is trying to establish his possession and the other two cases on their heads are of trivial nature and the petitioners are on bail in those cases, let the petitioners above named be released on bail



in connection with Pothia P.S. Case No. 69 of 2018 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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