

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27897 of 2019

Arising Out of PS. Case No.-507 Year-2016 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Sujeet Ray aged about 19 years (Male) Son of Chandeshwar Rai, Resident of Village - Banarjhula, P.S.- Sonbarsa, Distt.- Sitamarhi.
 2. Surendra Mahto aged about 50 years (Male) Son of Late Rambilas Mahto Resident of Village - Banarjhula, P.S.- Sonbarsa, Distt.- Sitamarhi.
 3. Niranjana Rai aged about 25 years (Male) Son of Chandeshwar Rai Resident of Village - Banarjhula, P.S.- Sonbarsa, Distt.- Sitamarhi.
 4. Tarkeshwar Rai @ Talkeshwar Rai aged about 28 years (Male) Son of Chandeshwar Rai Resident of Village - Banarjhula, P.S.- Sonbarsa, Distt.- Sitamarhi.
 5. Binda Devi aged about 54 years (Female) Wife of Chandeshwar Rai Resident of Village - Banarjhula, P.S.- Sonbarsa, Distt.- Sitamarhi.
 6. Chandeshwar Rai aged about 58 years (Male) Son of Gagandeo Rai Resident of Village - Banarjhula, P.S.- Sonbarsa, Distt.- Sitamarhi.
 7. Ramesh Kumar aged about 40 years (Male) Son of Late Ram Bilash Mahto Resident of Village - Banarjhula, P.S.- Sonbarsa, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Rai Son of Late Bachhu Rai aged 55 years, Resident of Village - Banarjhula, P.S.- Sonbarsa, Dist.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7. 18-02-2020 Heard learned counsel for the parties.

The petitioners apprehend their arrest in Complaint Case No. 507 of 2016 (CI-507/16) registered for the offence under Section 406/120 of the Indian Penal Code.

As per complaint petition, the accused persons, including the petitioner, got registered the land of share of complainant in the name of accused Binda Devi by grandfather of the complainant.



It is submitted on behalf of petitioners that petitioners have falsely been implicated in this case. It is out-and-out a case of civil dispute. There is already a partition suit in between the parties. It is further submitted that no offence either under Section 406 or 120 of the I.P.C. is made out. Petitioner no. 6 is uncle of the complainant. Petitioners are having no criminal antecedent.

In spite of valid service of notice, nobody appears on behalf of complainant/opposite party no. 2.

Considering the aforesaid facts and circumstances as well as nature of accusation, the provisional bail granted to the petitioners by this Court, vide order dated 29-04-2019, is hereby confirmed, subject to following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail-bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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