

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77012 of 2019

Arising Out of PS. Case No.-466 Year-2019 Thana- RAJIVNAGAR District- Patna

1. Sidheshwar Bharti Son of Late Etwari Bharti
 2. Brahma Bharti Son of Sidheshwar Bharti
- Both are residents of Mohallah - Rajiv Nagar, Road No. 24(P), P.S.- Rajiv Nagar, District- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhanendra Chaubey

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-02-2020 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under sections 341, 323, 324, 354(A), 504, 506, 509 and 34 of the Indian Penal Code and section 37(B)(C) of the Bihar Prohibition and Excise Act.

Prosecution case, in brief, is that on 07.09.2019 at 08.00PM, when informant was cooking food, her Dever Brahma Bharti, Vishnu Bharti, who were in drunken condition and her father-in-law entered in the room and Brahma Bharti and Vishnu Bharti started abusing her and her father-in-law assaulted with sickle which touched her left shoulder. It has further been alleged that when she raised alarm her brother-in-law Anil



Bharti, Sunil Bharti, husband Devendra Bharti and Devar Mahesh Bharti came and saved her then all the accused persons fled away.

It has been submitted on behalf of the petitioners that petitioner have falsely been implicated in the present case due to land dispute between the parties. It has further been submitted that the husband of the informant has already been filed title suit bearing T.S. No. 170 of 2011 against the petitioner which is pending in the court learned Sub-Judge, 1st, Nalanda and title suit bearing T.S. No. 328 of 2015 pending in the Court of learned Sub-Judge-Ist, Patna. It has further been submitted that this false case has been lodged by the informant with a view of pressurize these petitioners for partition of the property. No such occurrence has been taken place. It has further been submitted that petitioners has also lodged an FIR bearing Rajiv Nagar P.S. Case No. 467 of 2019 on 07.09.2019 against the husband of the informant and others. It has further been submitted that petitioner no.1 is retired government servant and his sons are quarreling for the properties and pressurizing to partition the property and the present case has been filed to settle the partition matter. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances as



well as nature of accusation, in the event of his arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Rajiv Nagar P.S. Case No. 466 of 2019, on the following conditions:-

(1) Petitioners shall co-operate 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 their absence on two consecutive dates without sufficient reason, their bail bond 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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