

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33770 of 2020

Arising Out of PS. Case No.-1035 Year-2019 Thana- ARARIA District- Araria

SUDHIR SAH S/o Sigho Sao Resident of Ward No.8, Omnagar, Araria, P.S.-
Araria Town, Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-02-2021 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 147, 148, 188, 447, 448, 353 and 427
of the Indian Penal Code.

The prosecution story as per informant-cum-Circle
Officer, Araria, in brief is that he received a letter from the
SDM, Araria regarding filing an FIR against the accused-
persons with allegation that they have violated the order, which
was passed by the Hon'ble Supreme Court in Criminal Appeal
No. 869 of 2010 and SLP (Cri) No. 5998 dated 08-07-2013. In



the order of the Hon'ble Supreme Court, a receiver was appointed to take possession of the house built on the land of Khata No. 2438, Khesera No. 9788, Rakwa 96 decimal at Basantpur Mauza. The accused persons broke the lock of the said house and took the house into its own possession.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the FIR. His name has transpired in this case in course of investigation. The allegation is that the accused persons along with the petitioner had taken forceful possession of the house which was subject matter of civil dispute. Except Section-353 of the Indian Penal Code, all the offences are bailable. It is further submitted that from bare perusal of the FIR, no offence under Section 353 of the Indian Penal Code is made out.

On behalf of the State, it is submitted that the petitioner is not named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing



bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 1035 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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