

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33833 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- SAHAR District- Bhojpur

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1. SHIV LAKHAN PASWAN Son of Late Jhulur Paswan Resident of Village - Nonaur, P.S.- Sahar, Dist.- Bhojpur.
 2. Girija Chaudhary Son of Phakirchand Chaudhary Resident of Village - Nonaur, P.S.- Sahar, Dist.- Bhojpur.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Rajesh Ranjan, Advocate.
For the State : Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 05-01-2022 The applicants/accused in Crime No.38 of 2021 registered with Police Station-Sahar for the offences punishable under Sections 143, 147, 149, 341, 323, 353, 327 and 506 of the Indian Penal Code, by this application are seeking their release on bail during the pendency of the trial.

Learned counsel appearing for the applicants submits that the applicants are behind the bars from 11.02.2021. They are willing to file their affidavits before the learned trial court to the effect that they will not disturb the possession of the first informant over two acres land allotted to her being the widow of Martyr.

The learned A.P.P. opposed the application.

I have considered the submissions so advanced and also perused the materials placed before me.



The first informant Meeta Devi is widow of Martyr Chhatthulal Choudahry. She averred that as her husband was killed in the war, the Government has allotted two acres land to her. However, the applicants and co-accused have taken possession of that land unauthorisedly by encroaching it.

As the learned counsel appearing for the applicants has made statement that both the applicants would file their affidavits to the effect that they will not interfere in possession of the subject land of the first informant, I am inclined to grant bail to both the applicants. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicants/accused in Crime No.38 of 2021 registered with Police Station-Sahar for the offences punishable under Sections 143, 147, 149, 341, 323, 353, 327 and 506 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.15000/-(Rupees Fifteen Thousand) and on furnishing surety of the like amount by each of them to the satisfaction of the trial court with the following conditions:

- (I). The applicants should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court or to any police officer.
- (II). The applicants should cooperate the trial in expeditious disposal of the trial against them.



(III). The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

(IV). Both the applicants should not interfere in peaceful possession of the first informant on two acres land allotted to her by the State on account of death of her husband in the war and the applicants should tender the affidavits to that effect before the learned trial court within one week of their release on bail failing which the learned trial court shall cancel the bail bonds of the applicants and shall take them into the custody.

The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicants/accused.

(A. M. Badar, J)

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