

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63629 of 2021

Arising Out of PS. Case No.-125 Year-2010 Thana- DIGHWARA District- Saran

1. LAKHAN SINGH Son of Binda Singh, Resident of Village- Pakwaliya, P.S.- Akilpur, District- Saran at Chapra.
2. Shambhu Singh Son of Lakhan Singh, Resident of Village- Pakwaliya, P.S.- Akilpur, District- Saran at Chapra.
3. Loka Rai @ Loknath Rai Son of Baijnath Rai, Resident of Village- Habaspur Adhlagiya, P.S.- Sahpur, District- Patna.
4. Rupa Rai Son of Baijnath Rai, Resident of Village- Habaspur Adhlagiya, P.S.- Sahpur, District- Patna.
5. Bhabhikhan Rai Son of Baijnath Rai, Resident of Village- Habaspur Adhlagiya, P.S.- Sahpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 11-07-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Dighwara P.S. Case No. 125 of 2010 registered for offence punishable under sections 302, 380/34 of the Indian Penal Code.

As per allegation, on 31.08.2010, the informant



lodged his *fardbeyan* near the dead body of his mother, Bindeshwari Devi, stating therein that there was some land dispute between Lakhan Singh (petitioner No. 1) son of Late Binda Singh and the mother of the informant. A case was pending in the court of S.D.M. and in that case, the order was passed in favour of the mother of the informant. Petitioner No. 1 was defying the order of S.D.M. and he sold the land to co-accused Baijnath Rai. Whereafter, the accused persons, including the petitioners named in the FIR, lodged a civil suit against the deceased prior to the occurrence. They were threatening the deceased to eliminate. On earlier occasion, they also attempted to kill the deceased and threatened her not to lodge a case, but in Dighwara Police Station, a case was lodged under Section 307 of the Indian Penal Code.

As per allegation, in the night of occurrence, the accused persons killed the deceased and took away the papers relating to land dispute. The informant got information on telephone.

The learned counsel for the petitioners has submitted that the petitioners are innocent. There is admitted land dispute between the parties and the petitioners are the persons of clean antecedents.



The impugned order shows that the witnesses in paragraph nos. 4, 5, 6 and 8 of the case diary, have supported the occurrence. The accused persons, including the present petitioners, prior to the occurrence, had threatened the deceased to kill, in that respect, in Dighwara Police Station, already a case under section 307 of the Indian Penal Code was lodged. The investigation is still going on, as such, I do not think it to be a fit case for anticipatory bail.

Accordingly, the prayer for anticipatory bail is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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