

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68819 of 2021

Arising Out of PS. Case No.-127 Year-2020 Thana- BASANHI District- Saharsa

1. RAMOTAR RAM Son of Late Jageshwar Ram Resident of Village - Godram Golabasa, Ward No. 1, P.O. - Sahsail, Police Station - Basnahi, District - Saharsa.
2. Pappu Ram son of Shri Ramotar Ram Resident of Village - Godram Golabasa, Ward No. 1, P.O. - Sahsail, Police Station - Basnahi, District - Saharsa.
3. Santu Ram Son of Shri Ramotar Ram Resident of Village - Godram Golabasa, Ward No. 1, P.O. - Sahsail, Police Station - Basnahi, District - Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kumar Ravi Shankar, Adv.
For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek pre-arrest bail in connection with
Basnahi P.S. Case No. 127 of 2020, registered under Sections
341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that from
the contents of the F.I.R., it is clear that there is a direct
allegation upon Mantu to attack on the head of the informant by
farsa, upon rest three petitioners there is absolutely nothing
against them. He further submits that from the F.I.R. itself

appears that the cause of dispute is land. Learned counsel for the petitioners further submits that the present F.I.R. has been lodged for the occurrence dated 18.11.2020 and it has been lodged on 26.11.2020, whereas for the occurrence of the same date the petitioners side had also filed an F.I.R. bearing no. Basnahi P.S. Case No.126 of 2020, so he submits that there is a case and counter case. In addition to that learned counsel for the petitioners also submitted a document (Annexure-3) issue from Revenue and Land Department, Govt. of Bihar showing that lands in dispute are running in the name of the petitioners side namely, Ramotar Ram. Learned counsel further submits that informant is notorious criminal of the area and there are six criminal cases of various nature mentioned in paragraph-6 of the petition are pending against him, whereas the petitioners have clean antecedent. In this circumstances, the petitioners deserve anticipatory bail.

Learned A.P.P. has opposed the prayer for bail.

In the present facts and circumstances of the case that the land in question is in the name of petitioners side, the place of dispute has taken place on the land of the petitioners having clean antecedent, whereas there are six cases pending against the informant and also upon consideration there is no allegation

showing act or overt act upon the petitioners, let the petitioners, above-named, in the event of their arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Saharsa, in connection with Basnahi P.S. Case No.127 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Dr. Anshuman, J)

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