

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15155 of 2023

Arising Out of PS. Case No.-829 Year-2022 Thana- MADHEPURA District- Madhepura

1. MD. TAHIR Son of Md. Bachan @ Samid Miya Resident of Village - Mahua Dighra, P.S.- Ghailardh, District - Madhepura.
2. Sunil Sah Son of Yogendra Sah Resident of Village - Mahua Dighra, P.S.- Ghailardh, District - Madhepura.
3. Binod Sah Son of Yogendra Sah Resident of Village - Mahua Dighra, P.S.- Ghailardh, District - Madhepura.
4. Ranjeet Sah Son of Musharu Sah Resident of Village - Mahua Dighra, P.S.- Ghailardh, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-05-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 420, 379, 120(B) IPC.

As per the prosecution case, in a dispute over land ownership, the accused persons including the petitioners assaulted the informant with lathi-danda.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to land dispute. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not



specific rather general and omnibus in nature. The specific allegation is against the co-accused Yogendra Sah. It is further submitted that the occurrence is alleged to have taken place on 16.08.2022 but the F.I.R. was lodged on 02.09.2022 i.e. after delay of more than 16 days and there is no plausible explanation regarding this delay, which itself creates doubt about the prosecution case. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the delay in lodging the F.I.R. and that there is land dispute between the parties, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Madhepura (Ghalardh) P.S. Case No.829 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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