

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6504 of 2024

Arising Out of PS. Case No.-290 Year-2023 Thana- BAHERI District- Darbhanga

1. Santosh Kumar Sahu @ Santosh Sahu Son of Bilat Sahu @ Bilat Sah R/o vill - Barmattar, P.S. - Baheri, Distt. - Darbhanga
2. Lalit Sah @ Lalit Sahu Son of Late Ramprit Sahu @ Ram Prit Sah R/o vill - Barmattar, P.S. - Baheri, Distt. - Darbhanga
3. Vivek Kumar @ Vivek Sah Son of Santosh Kumar Sahu R/o vill - Barmattar, P.S. - Baheri, Distt. - Darbhanga
4. Lalita Devi W/o Lalit Sah @ Lalit Sahu R/o vill - Barmattar, P.S. - Baheri, Distt. - Darbhanga
5. Bindeshwar Mukhiya Son of Biltu Mukhiya R/o vill - Barmattar, P.S. - Baheri, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Baheri P.S. Case No. 290 of 2023, registered on 22.08.2023, for the alleged offence under Sections 341, 323, 308/34 of the Indian Penal Code.

03. As per prosecution case, the petitioners tried to forcibly evict the informant from the land in which his buffaloes were grazing and the informant was taking care of that land as caretaker on behalf of some other person. When the informant



opposed his eviction, the petitioners assaulted him and tried to strangle him.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The present case has been lodged in the background of land dispute between three brothers and one of the brothers is said to own the land for which the informant is said to be a caretaker. Another brother sold area of one *bigha* from his share to the wife of petitioner no.1. For the said reason, one of the brothers got the false case registered against the petitioners through his caretaker. Other co-sharers have also sold their shares to other persons and the vendees are in possession of those land. Learned counsel further submits that, moreover, from the rejection order it appears that the injuries are only scratch marks over front and sides of the neck, which falsifies the prosecution story about the informant being assaulted by the petitioners. The petitioners have got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the possibility of false implication in the background of land dispute, let the petitioners above named, in the even of their arrest or



surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Darbhanga/concerned court in connection with Baheri P.S. Case No. 290 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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