

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26605 of 2024

Arising Out of PS. Case No.-244 Year-2021 Thana- MAHISHI District- Saharsa

=====

ASHARAFI SAH @ ASARFI SAH Son of Late Buchchi Sah @ Late Buchi Sah @ Budhi Sah Resident of Village-Mahisarho, P.S.-Mahishi, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi, Wife of late Rajes Sah, Resident of Village- Baluaha, Ward No. 14, P.S.- Mahishi, district- Saharsa.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr. Amarnath Jha, Advocate
For the State	:	Ms. Renu Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-10-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 420, 120B, 307, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, all the F.I.R. named accused persons, including this petitioner, got the ancestral land of the informant registered in favour of their father, who died 14-15 years ago.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has falsely



been implicated in this case. Petitioner is aged about 89 years. As a matter of fact, both parties are co-sharers and due to land dispute, this false and concocted case has been lodged. It is further submitted that from bare perusal of the F.I.R. it is apparent that dispute involved in the present case is purely civil in nature, for which informant has got alternative remedy before the competent authority. None of the acts allegedly committed by this petitioner would give rise to any criminal liability. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of dispute between the parties and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Saharsa, in connection with



Mahishi P.S. Case No. 244 of 2021, subject to condition as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

