

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32487 of 2024

Arising Out of PS. Case No.-1309 Year-2012 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Bishwanath Sah Son of Late Abadh Sah Resident of Village - Sahugarh, Janki Tola, Ward No.- 2 Madhepura, District - Madhepura.
 2. Pintu Sah Son of Bishwanath Sah Resident of Village - Sahugarh, Janki Tola, Ward No.- 2 Madhepura, District - Madhepura.
 3. Bittu Sah Son of Bishwanath Sah Resident of Village - Sahugarh, Janki Tola, Ward No.- 2 Madhepura, District - Madhepura.
 4. Amerika Devi Wife of Late Suresh Sah Permanent Address Village - Begusarai, P.S.- Begusarai, District - Begusarai, At Present Sahugarh, Janki Tola, Ward No.- 2 Madhepura, District - Madhepura.
 5. Bipin Sah Son of Late Suresh Sah Permanent Address Village - Begusarai, P.S.- Begusarai, District - Begusarai, At Present Sahugarh, Janki Tola, Ward No.- 2 Madhepura, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Jaikant Sah Son of Late Gaurakh Sah Resident of Village - Sahugardh Janki Tola, Ward No.- 2 Madhepura, District - Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 1309 of 2012, for the offences punishable under Sections 147, 148, 149, 323, 379, 419, 420, 467, 468, 471, 504, 34 of the Indian Penal Code.

3. As per prosecution case, the petitioner Bishwnath



Sah fraudulently had sold one katha land of the complainant's father to Amerika Devi fraudulently who is the mother of the daughter-in-law of the co-accused then the complainant obtained certified copy of the sale deed of that forged deed and made a petition but no action has been taken so far. It is further alleged that on the date of occurrence while the complainant and his nephew Ashok Sah were ploughing his field then accused persons reached there with some unknown miscreants along with a tractor, Amerika Devi told not plough his field by saying that she has purchased this land then Ashok Sah opposed it then Neelam Devi told the accused persons to assault them upon this co-accused put three nut on the complainant and began to assault Ashok Sah by means of lathi, fist and slap and with the help of labour began to construct the hut. In course of fighting the co-accused took out Rs. 1000/- from the pocket of the complainant and the co-accused Binit Sah snatched wrist watch worth Rs. 1,500 /- of the nephew.

4. Learned counsel for the petitioners has submitted that the petitioner is innocent and has falsely been implicated in this case. Both the parties are *agnates* and there is land dispute between both the parties. The Title Suit No. 197 of 2003 is also pending between the parties. The petitioner no. 1 is accused in



one criminal case, the petitioner no. 2 is accused in two other criminal cases and the petitioner no. 3, 4 and 5 have no criminal antecedent as stated in para 3 of the bail petition. The other co-accused persons have been granted bail by this court vide order dated 20.05.2024 passed in Cr. Misc. No. 30158 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Madhepura in connection with Complaint Case No. 1309 of 2012, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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