

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30158 of 2024

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

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1. Rajendra Sah Son of Late Awadh Sah Resident of Village - Sahugarh Janki Tola Ward No.- 2, P.S.- Madhepura, District - Madhepura.
 2. Neelam Devi Wife of Rajendra Sah Resident of Village - Sahugarh Janki Tola Ward No.- 2, P.S.- Madhepura, District - Madhepura.
 3. Ranjeet Sah Son of Rajendra Sah Resident of Village - Sahugarh Janki Tola Ward No.- 2, P.S.- Madhepura, District - Madhepura.
 4. Manjeet Sah Son of Rajendra Sah Resident of Village - Sahugarh Janki Tola Ward No.- 2, P.S.- Madhepura, District - Madhepura.
 5. Bhima Sah @ Sanjeet Sah Son of Rajendra Sah Resident of Village - Sahugarh Janki Tola Ward No.- 2, P.S.- Madhepura, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Jaikant Sah Son of Late Gaurakh Sah Resident of Village - Sahugarh Janki Tola, P.S.- 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 20-05-2024 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 co-accused 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 petitioner 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 (petitioner no. 2) told the accused persons to assault them upon this petitioner no. 1 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 petitioner no. 1 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 has 27



criminal antecedents out of which he has been acquitted in seven cases and he is on bail in the rest cases except one case. The petitioner no. 2 has 12 criminal antecedents out of which she has been acquitted in four cases and she is on bail in rest cases except one case. The petitioner no. 3 has 12 criminal antecedents out of which he has been acquitted in four cases and he is on bail in rest cases except one case. The petitioner no. 4 has 14 criminal antecedents out of which he has been acquitted in four cases and he is on bail in rest cases except one case. The petitioner no. 5 has 10 criminal antecedents out of which he has been acquitted in four cases and he is on bail in rest cases except one case.

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 with a condition:-

(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Ranjeet/-

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