

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54320 of 2024

Arising Out of PS. Case No.-217 Year-2024 Thana- RAMNAGAR District- West Champaran

1. Buti Sah @ Bhutti Sah @ Bhuti Sah S/o Dwarika Sah R/o vill - Ratanpura, P.s. - Ramnagar, Distt- West Champaran
2. Arjun Sah @ Arjun Kumar S/o Deepak Sah R/o vill - Ratanpura, P.s. - Ramnagar, Distt- West Champaran
3. Lalan Sah @ Vikram Sah @ Vikram Kumar S/o Deepak Sah R/o vill - Ratanpura, P.s. - Ramnagar, Distt- West Champaran
4. Kishor Sah @ Kishor Kumar S/o Deepak Sah R/o vill - Ratanpura, P.s. - Ramnagar, Distt- West Champaran
5. Reeta Devi @ Rima Devi W/o Deepak Sah R/o vill - Ratanpura, P.s. - Ramnagar, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra
For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-09-2024 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Ramnagar P.S. Case No. 217 of 2024 registered for the offences punishable under Sections 447, 341, 323, 324, 307, 385, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, there is allegation that co-accused Deepak Sah kept his tractor, trolley and other things



in the land possessed by the informant and it is alleged that when informant asked to replace the same, the dispute arose between both the parties and it is alleged that co-accused Deepak Shah is said to have assaulted upon the head of informant and petitioners and other co-accused persons is said to have assaulted upon the informant's brother. It is alleged that informant's brother sustained injury on head and bleeding started. It is further alleged that gold chain amounting to Rs. 70,000/- was snatched from the neck of the informant's brother by the accused persons and they also snatched Rs. 22,000/-.

4. Learned counsel for the petitioners submits that from the perusal of the FIR itself, there is land dispute between both the parties and in the cases of land dispute, facts are generally exaggerated to frame the allegation against the persons who were associated with bona fide land dispute. The specific allegation is against co-accused Deepak Shah who is said to have assaulted informant upon his head. Allegation against the petitioners are general and omnibus in nature. Moreover, injury sustained by both informant and his brother are simple in nature. Petitioners bear no criminal antecedent. The allegation under Sections 307 and 385 and other allied sections are merely allegation which has no any basis on the



basis of the averment made in the FIR.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioners, argument advanced on behalf of the both sides, petitioners above named, in the event of their surrender or arrest before the concerned court within six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned sub Divisional Judicial Magistrate, Bagaha, West Champaran in connection with Ramnagar P.S. Case No. 217 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

vashudha/-

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