

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63589 of 2024

Arising Out of PS. Case No.-240 Year-2023 Thana- SAUR BAZAR District- Saharsa

1. Arvind Sah @ Arvind Kumar S/o Late Deep Narayan Sah R/o vill - Golma West, ward no. 18, P.S. - Saur Bazar, Pathar Ghat, Distt. - Saharsa
2. Indrajeet Sah @ Agarjit Sah S/o Late Kailu Sah R/o vill - Golma West, Ward no. 18, P.s. - Saur Bazar, Pathar Ghat, Distt - Saharsa
3. Ramesh Sah S/o Late Dhyani Sah R/o vill - Golma West, Ward no. 18, P.s. - Saur Bazar, Pathar Ghat, Distt - Saharsa. At present R/o Bhupendrapuri, Modi Nagar, Distt. - Gajiyabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-12-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 354(K), 380, 427, 452, 447, 147, 149, 504 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

3. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 have antecedent of two cases and petitioner no. 3 is a person with clean antecedent and the informant alleges that on 02.05.2023 at 01:00 AM, Ramesh, Laltun, Rajendra, Anita, Lalita, Poonam, Ranjeet, Sanjeet,



Amarjeet, Upendra, Sunil, Ravindra, Arvind and Mamta along with one unknown accused came and fired and thereafter the accused persons demolished her five houses, out of which three houses were constructed under Indira Awas and two houses were constructed by the informant herself, further they also assaulted her son Bablu and Sunil along with Dharmendra took away ornaments as detailed in the FIR, it is next alleged that there is a land dispute between the parties for which cases have been instituted.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant on account of dispute relating to land. It is also submitted that a Title Suit No. 269 of 2020 has been filed from the side of the petitioners against the informant and her side which is pending adjudication in the Court of learned Sub-Judge-1, Saharsa. It is further submitted that though there is allegation of demolishing the house, but then the allegations are general and omnibus in nature.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that there is a specific allegation against the accused persons of demolishing five houses of the informant. It is further submitted that even if



a title suit is pending between the parties that does not give right to the petitioners to demolish the house of the informant, the same could have been adjudicated in the title suit. It is also submitted that if privilege of anticipatory bail is granted to the petitioners, they may abscond, on which the learned counsel for the petitioners submits that petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Saur Bazar P.S. Case No. 240 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at



liberty to forthwith cancel the bail bonds of the petitioners.

8. It is further made clear that if charge sheet is submitted connecting the petitioners with the offence, in that event, the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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