

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86545 of 2023

Arising Out of PS. Case No.-190 Year-2014 Thana- CHHATAUNI District- East Champaran

1. Laxman Sah Son Of Bigu Sah Resident Of Village - Bariyarpur, Police Station - Chhatauni, District - East Champaran
2. Shambhu Sah Son Of Bigu Sah Resident Of Village - Bariyarpur, Police Station - Chhatauni, District - East Champaran
3. Manju Devi Wife Of Shambhu Sah Resident Of Village - Bariyarpur, Police Station - Chhatauni, District - East Champaran
4. Pramila Devi Wife Of Laxman Sah Resident Of Village - Bariyarpur, Police Station - Chhatauni, District - East Champaran
5. Bhular Devi @ Mular Devi Wife Of Bigu Sah Resident Of Village - Bariyarpur, Police Station - Chhatauni, District - East Champaran
6. Saren Sah Son Of Ganaur Sah Resident Of Village - Bariyarpur, Police Station - Chhatauni, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Anil Kumar, the learned counsel for the petitioners and Mr. Shahabuddin Azeem @ S. Azeem, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chhatauni PS Case No. 190 of 2014, FIR dated 08.08.2014, registered for the offences punishable under Sections 147, 148, 149, 353, 427, 504 and 506 of the Indian Penal Code.



3. According to prosecution case, the accused persons destroyed the hut of the school that was constructed at the land in question, which was transferred from the State Government for the purpose of building a school and they have encroached the same. It is further alleged that the Circle Officer, Motihari is not removing the said encroachment from the land in question.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR, in fact, the land in question was purchased by the mother of the petitioner nos. 1 and 2 from one Muhammad Kalimullah Ansari on 21.08.2003. He lastly submits that, in fact, the informant wants to grab the land of the petitioners and when the petitioners have made protest of the construction of the boundary wall on their own land by the informant, then the present false case has been filed by the informant against the petitioners.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances



and the fact that the petitioners have clean antecedent and the mother of the petitioner nos. 1 and 2 has purchased the land in question by way of sale-deed on 21.08.2003, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Sadar at Motihari, East Champaran, where the case is pending in connection with **Chhatauni PS Case No. 190 of 2014**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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