

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2657 of 2025

Arising Out of PS. Case No.-701 Year-2020 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Maheshwar Sah @ Mahesh Sah S/o- Late Ayodhya Sah vill and Po - Babhangama Ps - Gangour, Dist- Khagaria
 2. Umesh Sah S/o- Late Ayodhya Sah vill and Po - Babhangama Ps - Gangour, Dist- Khagaria
 3. Hari Om Sah @ Hariom Kumar @ Hariom S/o- Umesh Sah vill and Po - Babhangama Ps - Gangour, Dist- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bablu Sah S/o- Late Dina Sah Village- and Po- Babhangama Ps- Gangour Dist- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-02-2025 Heard learned counsels for the petitioners and the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 448, 436, 452 and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 18.11.2020 at about 6 PM, while the complainant was working at his residential house, in the meantime, all the accused persons named in the complaint petition, including these petitioners, armed with weapons, abused the complainant and asked to



withdraw the case which was earlier lodged by the complainant. It is further alleged that co-accused Dayanand Sah and petitioner No. 2 sprinkled oil on house of complainant and petitioner No. 3 set the house on fire as a result of which household articles of the complainant got damaged.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence as alleged in the complaint petition. Both parties are *gotiyas* and admittedly, there is land dispute pending between the parties. It is further submitted that for the same set of occurrence, complainant firstly instituted a case bearing Khagaria (Gangaur) P.S. Case No. 870 of 2020 dated 20.11.2020 for the offences punishable under Sections 435 and 34 of the Indian Penal Code in which case the police after investigation submitted final form *vide* Final Report No. 15 of 2021 dated 30.01.2021 with a finding that the allegations against the named accused persons, including these petitioners, have been found to be false. Thereafter, the complainant filed the instant complaint case on 02.12.2020 with similar allegations.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the



petitioners.

6. Considering the aforesaid facts and circumstances, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Khagaria, in connection with Complaint Case No. 701(C) of 2020, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J)

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