

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.14929 of 2009

1. SK.DILSHAD, son of Sk.Yasin

2. Hira Sah

3. Naresh Sah

Both are sons of late Raj Haran Sah

4. Suresh Sah

5. Mukesh Sah

6. Bihari Sah

All are sons of Hira Sah

7. Umesh Sah, son of Naresh Sah

8. Chhotelal Sah, son of Sita Ram Sah

9. Sk.Quraish, son of Sk.Gyas.

10. Sk.Reyazul @ Sk.Yeyazul, son of Sk.Ish
Mohammad

11. Chandrika Yadav, son of late Roshan Yadav

12. Sadare Alam, son of Shamsul Hoda

13. Shamsul Hoda, son of Awasan Mian

14. Pramod Yadav

15. Bipin Yadav

Both are sons of Buni Lal Yadav

16. Buni Lal Yadav, son of Bhola Yadav

17. Alamghir Khan @ Alamgir Khan, son of
Washi Ahmad Khan

18. Seraju Khan @ Serajul Khan, son of Umar
Khan

19. Reyazul Khan, son of Serajul Khan

20. Gauri Sah, son of late Raja Sah

21. Sk.Nesar, son of Sk.Rahman.

All are resident of village-
Mansingha, P.S.-Sugauli, District-East
Champaran

Versus

THE STATE OF BIHAR

02/ 30-04-2009

Heard learned counsel for the petitioners and the State.

Petitioners no.4, 9, 11 and 21 are claiming the land of theirs, so, harvesting of the crop from the field cannot be made ingredient of offence under Section 379 of the Penal Code and basing the same petitioners' arrest can never be justified. I agree with the same.

Accordingly, this petition for anticipatory bail is allowed.

In case of arrest or surrender within one month from today in Trial No.605/2009 arising out of Sugauli P.S.Case No.135/2003, the above named petitioners shall be released on 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 Sri Rakesh Kumar, Judicial Magistrate, Ist Class, Sadar at Motihari, East Champaran, subject to the conditions as laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

AH/

(Mandhata Singh, J.)

