

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6066 of 2015

Arising Out of PS.Case No. -301 Year- 2014 Thana -BAKHRI District- BEGUSARAI

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1. Shambhu Chaudhary Son of Nand Kishor Chaudhary
 2. Subhan Mian @ Md. Subhan Mian son of Late Sobrati Mian
 3. Abdul Rizwan @ Abdul Rizwan Mian son of Subhan Mian
 4. Md. Yunas Mian Son of Basir Mian
 5. Md. Gulam Mian @ Md. Gulam Rasul son of Late Ulfat Mian
 6. Sagir Mian Son of Late Samsud Mian
 7. Ahia Mian Son of Late Rafiq Mian
 8. Salim Mian Son of Late Rahman Mian
 9. Mastak Mian son of Tahir Mian All resident of village - Bagwan, P.S. Bakhari, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 13-02-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Bakhari P.S.Case No. 301 of 2014 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 379, 435, 504 and 506 of the Indian Penal Code and 3(1)(x) SC/ST Prevention of Atrocities Act.

The accusation against petitioners is that they set the informant's hut on fire to dispossess him from Khesra No. 390 and

391.

Learned Sessions Judge dismissed the anticipatory bail petition of the petitioner on the ground of being not maintainable under section 18 of the SC/ST Prevention of Atrocities Act.

The contention of the petitioners is that the disputed land is ancestral property of petitioner no. 1 as the father of the petitioner had taken the aforesaid land in auction sale and the informant of this case wants to take forcible possession of the aforesaid land for which a proceeding under section 107 of the Cr.P.C was initiated against the petitioners and informant of the case.

It appears from the above stated submissions as well as from perusal of Anenxure-2 to this petition that there is bonafide land dispute between the parties and it is well settled principle of law that in the case of bonafide dispute, the provisions of SC/ST Prevention of Atrocities Act are not applicable.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on

furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai in Bakhari P.S.Case No. 301 of 2014, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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