

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38865 of 2014

Arising Out of PS.Case No. -66 Year- 2014 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Fudan Thakur S/o Bachchan Thakur
 2. Ashok Thakur S/o Fudan Thakur
 3. Vikash Kumar S/o Subodh Thakur
 4. Ghutuk Kumar S/o Subodh Thakur All R/o Village Ghariyarichak, P.S. Mehsi, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Ambika Bhagat(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 01-04-2015 Heard learned counsel for the petitioners as well as

learned counsel for the State.

In this application for anticipatory bail the petitioners apprehend their arrest for the offences punishable under sections 341, 323, 324, 379, 380, 354, 504 and 506/34 of the I.P.C and section 3 (i) (x) of SC/ST Act.

Allegedly, the petitioners and other co-accused started abusing the informant, spit on his mouth, uttered his caste and caused threats to oust him from the village and on protest the petitioner Fudan Thakur gave order and then co-accused Subodh Thakur and petitioner Ashok Thakur rapped *gamacha* on his neck,

resulting the informant fell down and then he was assaulted by petitioner Fudan Thakur, Vikash Kumar with *Danda* and when son and nephew came for rescue they were also assaulted and further they insulted Kanti Devi and Urmila Devi and assaulted them also after entering into the house and further petitioner Vikash Kumar snatched golden chain from the neck of Urmila Devi and took away the box.

Submission is that there is case and counter case. Due to land dispute the occurrence had taken place. The injured persons have sustained abrasion and pain which are simple in nature. There is general allegation of abusing to the informant and spit on his mouth. The occurrence has not taken place in public view and as such the petitioners deserve sympathetic consideration, to which the learned Special P.P. duly assisted by the learned counsel for the informant opposes by submitting that under section 18 of SC/ST (POA) Act anticipatory bail petition is not maintainable.

Considering that the injuries found are simple in nature and due to land dispute occurrence has taken place and as such it being a fit case for regular bail, the petitioners are directed to surrender within six weeks in the court of C.J.M. East Champaran in connection with Mehshi P.S. Case No. 66 of 2014

and seek regular bail then their prayer for regular bail shall be considered.

With these observations this application is hereby disposed of.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--