

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33524 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -UPHARA District- AURANGABAD

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1. Udan Pandey, Son of Kuldip Pandey
 2. Ram Ishwar Pandey, Son of Kuldip Pandey
 3. Nitesh Pandey @ Nitesh Kumar, Son of Satyendra Pandey
 4. Bhudev Pandey, Son of Sakal Pandey
 5. Raju Pandey, Son of Sidheshwar Pandey
 6. Ankur Kumar @ Ankur Pandey Son of Baban Pandey
 7. Ranjit Pandey, Son of Nikhil Pandey.

All are resident of Village- Gamhari, P.S.- Uphara, District-
Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey

For the Opposite Party/s : Mr. Kalyan Shankar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 28-08-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their
arrest in a case registered for the offences punishable under
Sections 341, 323, 324, 308 and 504/34 of the Indian Penal Code
and 3/4 of SC/ST (Prevention of Atrocities) Act.

The prosecution case is that on filling up the drainage with soil by accused persons was protested by the informant side then accused persons assaulted the informant when the son of the informant came to rescue he was also assaulted and abused by calling caste name.

It is submitted by learned counsel for the petitioners that for a bonafide dispute for drainage the accusation has been levelled. For the occurrence of 24.03.2015 the FIR was lodged on 31.03.2015 whereas petitioners' side lodged Uphara P.S. Case No. 24 of 2015 making accusation under Sections 323, 341 and 308/34 of the Indian Penal Code against the informant side on 24.03.2015 itself. The injury has been found to be simple when petitioners' side have also received injuries.

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the delayed lodging of the case and the case lodged by the petitioners' side at earlier point of time, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned

Sub-divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Uphara P.S. Case No. 25 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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