

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42051 of 2015

Arising Out of PS.Case No. -63 Year- 2015 Thana -VIJAYPUR District- GOPALGANJ

- =====
1. Amala Pathak Son of Gumati Pathak
 2. Nagmani Pathak Son of Amla Pathak
 3. Sanjay Pathak Son of Amla Pathak
 4. Byas Pathak Son of Late Narsingh Pathak
- All R/o Village Majhawaliya, P.S. Vijaipur, District Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh

For the Opposite Party/s : Mr. Ambika Bhagat(Spl .A P.P.)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 13-10-2015

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, 504, 307/34 of the Indian Penal Code and 3(1) (x)(xi) of SC/ST (Prevention of Atrocities) Act.

The prosecution case is that the informant was working in the agricultural land given to him under Bhudan scheme, in the meantime, petitioners came variously armed and started abusing the mother and sister of the informant by calling caste name. The informant ran to the bicycle shop at Majhawalia

when accused persons reached there and assaulted him. It is specifically alleged that petitioner no. 1 Amala Pathak assaulted with lathi and petitioner no. 2 Nagmani Pathak assaulted with Farsa on the head of the informant when the mother of the informant came to rescue she was being assaulted.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled and Title Suit No. 342 of 2015 is pending when petitioner's side lodged Vijaipur P.S. Case No. 47 of 2012 against the informant's uncle Mohan Ram.

Considering the fact that there is specific accusation of assault against petitioner nos. 1 and 2, let the learned court below consider the prayer for regular bail of petitioner nos. 1 and 2, preferably on the same day, keeping in view of the fact that the accusation has been levelled in the background of serious land dispute, if they surrender before the learned court below within a period of six weeks from today. Accordingly, their application is disposed of.

So far as petitioner nos. 3 and 4 are concerned, let them 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 Chief Judicial Magistrate, Gopalganj in connection with Vijaipur P.S. Case No. 63 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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