

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44827 of 2015

Arising Out of PS.Case No. -252 Year- 2014 Thana -BARHARA District- PURNIA

Neeraj Mandal @ Neraj Mandal son of Kari Mandal, resident of Village-
Bithaili, P.S.- Barhara Kothi, District- Purnia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 14-10-2015 Heard learned counsel for the petitioner and learned
Special P.P. for the State.

The petitioner apprehends arrest in Barhara P.S. Case
No. 252 of 2014 dated 02.12.2014 instituted under Sections
147/323/506/354B of the Indian Penal Code and 3(1) (x) of The
Scheduled Castes and The Scheduled Tribes (Prevention of
Atrocities) Act, 1989.

The allegation against the petitioner is that when
other co-accused had assaulted and abused the wife of the
informant he also arrived at the scene and had used abusive caste

language and also threatened to kill the informant and his family members.

Learned counsel for the petitioner submits that as per the FIR itself the petitioner is said to have arrived at the scene after the incident of assault and abuse was over and further that even with regard to abuse and threatening given by the petitioner, the same is not said to be in public view. Learned counsel submits that the time of occurrence is also noteworthy as it is alleged that the incident happened at 7:00 p.m. on 30th November, 2014 in an open field and at that time of the year at 7:00 p.m. it becomes dark and difficult for persons to be recognized without any other means of identification. Learned counsel submits that the land is recorded in the name of the ancestor of the petitioner in the revenue records and the informant was trying to forcibly dispossess the original owner on the basis of a sale deed executed by a person who has no connection with the recorded tenant. It is further submitted that against the petitioner there are two cases but the same are on account of a dispute relating to him having married out of his caste.

Learned Special P.P. submits that the allegation against the petitioner is also abuse and threat to kill.

Considering the facts and circumstances of the case

and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in Barhara P.S. Case No. 252 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

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