

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33021 of 2014

Arising Out of PS.Case No. -58 Year- 2014 Thana -UCHAKAGAON District- GOPALGANJ

1. Akhtar Hussain son of Assim Hussain.
2. Arif Hussain son of Assim Hussain .
3. Rabindra Pandit son of Prabhunath Pandit.
All are resident of village Harpur, Sati Tola Police Station Uchakagaon ,
District Gopalganj .

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 09-02-2015 Heard both sides.

The petitioners, namely, Akhtar Hussain, Arif Hussain and Rabindra Pandit, apprehend their arrest in Uchakagaon P.S. Case No. 58/2014 registered under Sections 323, 324, 379, 384, 348 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to the prosecution allegation, the informant went to market to purchase vegetables but the petitioners assaulted him with hockey sticks and also abused him by naming his caste. It is further alleged that Arif Hussain (petitioner no. 2) at the point of pistol took his thumb impression

on two stamp papers and also snatched his Nokia mobile phone.

Learned counsel for the petitioners submits that the informant earlier filed a complaint case on the basis of which the present F.I.R. was lodged. It is also submitted that there are series of litigations between the parties only on account of dispute with regard to Bhoodan land. The informant himself filed SC/ST P.S. Case No. 48 of 2013, Uchakagaon P.S. Case No. 236 of 2012, Uchakagaon P.S. Case No. 280 of 2013 and Uchakagaon P.S. Case No. 235 of 2014 under different sections of the Indian Penal Code as well as Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

Learned Spl. P.P., on the other hand, submitted that the case is registered under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, therefore, Anticipatory Bail Petition is not maintainable.

On the face of it, there appears that series of litigations are between the parties on account of land disputes. The informant and other members of his side lodged number of cases against the petitioners under different sections of the Indian Penal Code and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Considering the fact that on account of land disputes,

there are series of litigations between the parties, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in Uchakagaon P.S. Case No. 58/2014, corresponding to G.R. Case No. 870/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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