

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41635 of 2015

Arising Out of PS.Case No. -76 Year- 2014 Thana -MANSAHI District- KATIHAR

- =====
1. Krishna Singh, Son of Tulanand Singh
 2. Bandana Devi, W/o Krishna Singh
 3. Tulanand Singh, Son of Late Chunchun Singh
 4. Maina Devi, Wife of Kartik Singh
- All Resident of Village Kuretha P.S. Mansahi, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jibendra Mishra

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

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 09-10-2015 Heard learned counsel for the petitioners and learned
counsel for the informant.

The petitioners, namely, Krishna Singh, Bandana Devi,
Tulanand Singh and Maina Devi apprehend their arrest in Mansahi
P.S. Case No.76 of 2014 under Sections 341, 323, 504, 506/34 of
the Indian Penal Code and Sections 3(i)(f)(s) of SC/ST
(Prevention of Atrocities) Act, 1989.

It appears that the informant lodged the F.I.R. alleging
that these petitioners assaulted the informant causing injury and
also abused in filthy language and also abused by saying caste
name “Dhobi”.



The learned counsel for the petitioners submitted that in fact there is land dispute between the parties and earlier also regarding the land another criminal case under SC/ST (Prevention of Atrocities) Act was filed wherein the petitioners have already been discharged by the concerned court and thereafter again this F.I.R. has been lodged after eight months. According to the learned counsel, in the F.I.R. itself it has been stated that the petitioners encroached the land of the informant.

On the other hand, the learned counsel for the informant submitted that the informant is poor harijan and is being subjected to cruelty by the petitioners since last several years and they have encroached the house of the informant and there is nobody to help the informant. The petitioners assaulted badly to the informant which is supported by the report of the medical officer.

Perused the F.I.R. and the order passed in another case, Annexure-3/1 wherein the petitioners have already been discharged and the case was filed by the informant under SC/ST (Prevention of Atrocities) Act. In this case also the allegation was that the petitioners had encroached the land of the informant and had constructed the house. Admittedly there is land dispute between the parties and both the parties are next door neighbours to each other.

Considering the above facts and circumstances of the case and the nature of allegation I direct the petitioners named above to surrender before the court below within six weeks from today and on their so surrendering, the court below is directed to release the petitioners on bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of Sri B.B. Ray, J.M. 1st Class Katihar in connection with Mansahi P.S. Case No.76 of 2014.

(Mungeshwar Sahoo, J)

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