

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26211 of 2015

Arising Out of PS.Case No. -51 Year- 2015 Thana -NAUHATTA District- SAHARSA

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1. Heera Lal Mandal son of late Munni Mandal
 2. Munar Mandal son of Late Thithar Mandal
 3. Surat Mandal son of Late Thithar Mandal
 4. Jai Prakash Mandal
 5. Om Prakash Mandal
Both sons of Late Munni Mandal
 6. Pintu Mandal
 7. Deepak Mandal
Both sons of Late Thithar Mandal
 8. Parmanand Mandal
 9. Amlesh Patel
Both sons of Shukal Mandal All residents of village - Pipra -
rahi, Police Station - Nauhatta, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi
For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2015 It has been submitted on behalf of the petitioners that during the pendency of this application petitioner no.5 has been taken into custody, hence learned counsel for the petitioners wants to withdraw the application on behalf of petitioner no.5.

The application is dismissed as withdrawn, so far petitioner no.5 is concerned.

Heard learned counsel for the petitioner nos.1,2,3,4,6,7,8 and 9 and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 147, 149, 471, 504, 354, 33, 427, 379 and 506 of the Indian Penal Code and Section 3(1)(x) of SC/ST (P.O.A.) Act.

The prosecution story, in brief, is that the informant Sositsa Devi @ Suchita Devi has alleged that she has purchased homestead land and on 11.3.2015 while she was at her house then the F.I.R. named accused persons came at her courtyard armed with weapon and started abusing her by calling her caste name and accused Hiralal Mandal caught her hair lock and assaulted with fists and slaps and accused persons also damaged her house and took away house hold and fled away.

It has been submitted on behalf of the petitioners that it is a case and counter case. It is further submitted that counter case is Annexure 2 to the present application. It is also submitted that the injury has also been sustained by the accused side, which has not been explained by the prosecution. Further, it is submitted that the provision of SC/ST (P.O.A.) Act is not attracted as the alleged occurrence has not taken place in public place.

On behalf of the State, it has been submitted that the petitioners are named in the FIR.

Considering the aforesaid facts, let petitioner nos.

1,2,3,4,6,7,8 and 9 (Heera Lal Mandal, Munar Mandal, Surat Mandal, Jai Prakash Mandal, Pintu Mandal, Deepak Mandal, Parmanand Mandal and Amlesh Patel), in the event of their arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri A.Kumar, Judicial Magistrate, Saharsa, in connection with Nauhatta P.S.Case No.51 of 2015, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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