

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33976 of 2014

Arising Out of PS.Case No. -182 Year- 2013 Thana -SC/ST P.S. District- MUZAFFARPUR

- =====
1. Rajeev Kuwar Son of Dhawraj Kuwar
 2. Pankaj Kuwar Son of Dhawraj Kuwar
 3. Ram Shreshth Kuwar Son of Late Yojendra Kuwar
 4. Dinesh Kuwar Son of Late Yojendra Kuwar.
 5. Mukesh Kuwar Son of Ram Shreshth Kuwar
 6. Pramod Kuwar Son of Ram Shreshth Kuwar.
 7. Dhanraj Kuwar Son of Late Kapil Dev Kuwar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 06-04-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
S.C./S.T. P.S. Case No. 182 of 2013 registered for the offences
punishable under Sections 341, 323, 354, 504, 506, 427, 379/34 of
the Indian Penal Code and Section 3(I) (X) (XI), (IV), (V) of
S.C./S.T. (Prevention of Atrocities) Act.

The contention on behalf of the petitioners is that the
provisions of S.C./S.T. (Prevention of Atrocities) Act are not
applicable in the facts and circumstances of the present case
because admittedly, there was bona fide land dispute between the

parties and as a matter of fact, when petitioner no. 3 filed title suit, the informant lodged this case after sixteen days of the alleged occurrence. It is further contended by him that in course of investigation, police did not find any sign of uprooting the crop and moreover, the police doubted in respect of injury of the informant.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in S.C./S.T. P.S. Case No. 182 of 2013 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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