

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37695 of 2015

Arising Out of PS.Case No. -148 Year- 2012 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

Janardan Prasad Yadav S/o Raghunath Yadav R/o village - Basdiha Tola,
Parsan Bigha (Bandh Par), P.O. Gurgaiya, P.S. Dev District - Aurangabad
(Bihar)

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. Suryadeo Ram Son of Late Laxmi Ram Resident of village - Kochadh,
P.S. Barun, District - Aurangabad

.... Opposite Party/s

With

Criminal Miscellaneous No.39432 of 2015

Arising Out of PS.Case No. -148 Year- 2012 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

- 1. Ramchandra Prasad, Son of Late Satya Narayan Sao.
- 2. Ajit Kumar.
- 3. Ashok Kumar.
- 4. Rakesh Kumar @ Rakesh.
Sons of Jagarnath Prasad.
- 5. Jagarnath Prasad, Son of Late Satya Narayan Sao.
- 6. Tinku Kumar @ Rinkoo Kumar.
- 7. Dabloo Kumar.
- 8. Shubham @ Shubham Kumar
Sons of Ramchandra Prasad.
- 9. Dwarika Prasad, Son of Late Vishwanath Prasad.
- 10. Himanshu Kumar, Son of Ramchandra Prasad.
All are Resident of Village- Kochad, P.S.- Baroon, District- Aurangabad
(Bihar).
- 11. The State of Bihar.

.... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. Suryadeo Ram, Son of Late Laxmi Ram, Resident of Village- Kochad,
P.S.- Baroon, District- Aurangabad (Bihar).

.... Opposite Party/s

Appearance :
(In Cr.Misc. No.37695 of 2015)
For the Petitioner/s : Mr. Lal Bahadur Singh
For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)
(In Cr.Misc. No.39432 of 2015)

For the Petitioner/s : Mr. Mrigendra Kumar
For the Opposite Party/s : Mr. Ram Shankar Das (Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 17-09-2015

Heard learned counsels for the petitioners
and the State.

The petitioners are apprehending their arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 141, 323, 341, 506 of the Indian Penal Code and 3(1)(x) of SC/ST (Prevention of Atrocities) Act.

The prosecution case is of abusing and assaulting the informant in the background of dispute with regard to flow of drainage water.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute between the complainant and petitioner no. 1 Ramchandra Prasad of Cr. Misc. No. 39432 of 2015 and petitioner Janardan Prasad Yadav of Cr. Misc. No. 37695 of 2015 being Revenue Karamchari gave a report with regard to the disputed land, hence, he has been roped in after retirement. It is further submitted that there is omnibus and general accusation against all the accused persons.

A statement has been made in paragraph 3 of Cr. Misc. No. 37695 of 2015 that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the petitioners of Cr. Misc. No. 39432 of 2015 that they are accused in three other cases apart from the present case but all the cases have been lodged by the complainant side. Statement to that effect has been made in paragraph 3 of the petition.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Aurangabad in connection with Complaint Case No. 148 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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