

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51392 of 2014

Arising Out of PS.Case No. -41 Year- 2014 Thana -BASNAHI District- SAHARSA

- =====
1. Rinmala Devi @ Nirmala Devi W/o Late Lalan Mandal
 2. Manju Devi W/o Mohan Mandal
 3. Lalan Mandal S/o Late Kulo Mandal
 4. Mohan Mandal S/o Lalan Mandal

All are Resident of Village Narhaiya, P.S. Basnahi, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate
For the Opposite Party/s : Mr. Lallan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-05-2015 Learned counsel for the petitioners seeks permission for making correction in the name of the husband of petitioner no. 1. Same is permitted to do so in course of the day.

It is made clear vide order dated 22.04.2015 that petitioner no. 3 has been arrested. Hence, anticipatory bail application on behalf of petitioner no. 3 has become infructuous.

The petitioners are apprehending their arrest in connection with Basnahi P.S. Case No. 41 of 2014 for the offence under Sections 147, 149, 323, 332, 353 and 504 of the Indian Penal Code.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that when the informant and the police officials went to remove the hutment, but the accused persons started creating hindrance, entered into the house, obstructed the informant and started pelting stones upon the Government officials, who in removal drive and as such the accused persons caused injury to the officials and made obstruction in discharging official duty.

It is submitted on behalf of the petitioners that the petitioners have no criminal antecedents. It has further been submitted that the petitioners are the bona fide purchaser of the land and the said land was mutated in the name of the petitioners. In fact, the petitioners were not encroaching on the public land, but rather they were on their own land. No specific allegation has been made against the petitioners.

It is been submitted on behalf of the State that the petitioners have obstructed the Government officials in discharging their duties. However, the petitioners are named in the F.I.R.

Considering the aforesaid facts, let the above named petitioners, 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 learned Judicial Magistrate, Ist Class, Saharsa in connection with Basnahi P.S. Case No. 41 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sudhir Singh, J)

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