

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20620 of 2015

Arising Out of PS.Case No. -41 Year- 2014 Thana -SC/ST District- SAHARSA

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1. Maheshwari Yadav son of Late Bipat Yadav
2. Mantun Yadav @ Mintu Yadav
3. Sintu Yadav @ Santosh Kumar
4. Pintu Yadav @ Bittu Yadav all sons of Maheshwari Yadav all residents
of village Godrama 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. Diwakar Prasad Singh

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2015

The petitioners are apprehending their arrest in connection with Saharsa SC ST PS case No. 41/2014 for the offence under section 342, 323, 504, 354, 380, 447/34 of the Indian Penal Code and Sections 3(1) (XI) of the SC & ST Act.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that on 08.11.2014 the informant was sitting at her Darwaja and at about 12.00 noon the FIR named accused persons armed with Lathi, Bhala came there all of a sudden and used filthy language by calling her caste name and by entering into her house they assaulted her by fists and slaps and accused Maheshwari Yadav caught her lady garment and the accused persons took away cash from the box and looted away house hold articles and also gave threatening that if you will file case in the court then you have to face the consequences and

they also damaged the utensils of the house of informant.

It has been submitted on behalf of the petitioners that due to land dispute the petitioners have been implicated in the present case. As far as Section 354 of the IPC is concerned the same is superficial in nature as no such offence has been committed by the petitioners. Further, it has been submitted that as far as provisions under Section SC/ST Act is concerned, the same is not attracted against the petitioners as the occurrence is not in the public view.

On behalf of the State it has been submitted that the petitioners are named in the first information report.

Considering the fact that there is admitted land dispute between the parties and the alleged occurrence has not taken place in the public view, 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 Sri S. Kumar, Judicial Magistrate, 1st class, Saharsa in connection with SC ST PS case No. 41/2014, subject to condition as laid down under section 438(2) of the Cr. P.C.

(Sudhir Singh, J)

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