

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22476 of 2016

Arising Out of PS.Case No. -10 Year- 2015 Thana -MADHUBANI TOWN District- MADHUBANI

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1. Mahesh Prasad Singh @ Mahesh Prasad son of Ramakant Singh @ Kanti Kumar Singh
 2. Ram Naresh Singh, son of Ramakant Singh @ Kanti Kumar Singh
 3. Rabindra Prasad Singh @ Rajendra Prasad Singh, son of Ramakant Singh @ Kanti Kumar Singh
 4. Raghunath Prasad Singh @ Rajendra Prasad Singh, son of Ramakant Singh @ Kanti Kumar Singh
 5. Baidnath Prasad Singh, son of Ramakant Singh @ Kanti Kumar Singh
 6. Satyam Kumar, son of Ram Naresh Singh
 7. Shubham Kumar, son of Ram Naresh Singh
 8. Shivam Kumar, son of Ram Naresh Singh
 9. Mantu Singh @ Rohit Sekhar, son of Rabindra Prasad Singh
 10. Kundan Kumar @ Nishant son of Raghunath Prasad Singh
- All are resident of Village-Gangasagar Nidhi Chowk, P.S. and District-Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhash Ranjan Thakur

For the Opposite Party/s : Mr. Ansar -Ul-Haque(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-05-2016 Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 188, 307, 353, 504, 506, 152, 157, 186, 189 of the Indian Penal Code.

The prosecution case is that the informant Umesh Kumar, S.H.O, Sadar, Motihari went to the house of Sanjiv Kumar on 11.01.2015 at 11:00 A.M to verify whether

parties are violating the prohibitory order passed under Section 144 Cr.P.C and found that the accused persons including the petitioners were constructing the boundary over the disputed land. Thereafter both sides started quarrelling and pelting stones as a result the informant failed to discharge his official duty.

It is submitted by learned counsel for the petitioners that an application was filed by one Sanjiv Kumar before the officer-in-charge, Madhubani Town P.S on 10.01.2015 with regard to dispute with regard to Plot No. 1362, Khata No. 711 and on the same day 144 Cr.P.C proceeding was initiated. Thereafter on 11.01.2015 the police inspector came and suggested that construction was going on whereas the petitioners' side received the copies of notice of the initiation of the 144 Cr.P.C proceeding on 14.01.2015. Though the same has not been brought on record as by inadvertence a wrong copy of document in place of notice has been brought on record as Annexure-3. It is further submitted that admittedly no injury was caused to anyone.

Considering the nature of accusation particularly the fact that admittedly the petitioners were not aware about the initiation of 144 Cr.P.C proceeding, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory 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 Chief Judicial Magistrate, Madhubani in connection with Madhubani Town P.S. Case No. 10 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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