

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8928 of 2016

Arising Out of PS.Case No. -65 Year- 2015 Thana -SC/ST District- ARRARIA

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1. Mungai Mandal, son of Late Nevi Mandal
 2. Nitesh Mandal, son of Jogendra Mandal,
 3. Amlesh Mandal, son of Mungai Mandal,
 4. Yogendra Mandal son of Late Ganeshi Mandal,
 5. Rakesh Mandal, son of Late Bishnu Mandal,
- All are resident of Village- Hingana Aurahi, P.S.- Simraha, Dist- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Sadanand Paswan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 26-02-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 447, 341, 323, 354A, 379, 504/34 of the Indian Penal Code and 3(1)(x) of SC/ST (Prevention of Atrocities) Act.

The prosecution case is that the FIR accused persons including the petitioners came obstructed the informant from ploughing the land, assaulted with fists and slaps and abused by calling caste name. It is alleged that petitioner no. 3 Amlesh Mandal caught hold hair lock of Beena Devi, dragged

her and snatched ornaments worth Rs.15,000/-. It is further alleged that on 28.11.2015 the accused persons took forceful possession of the land appertaining to plot no. 6003 khata no. 12 an area of 10 decimals.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general and in the background of land dispute the accusation has been levelled. First Information Report was registered on 01.12.2015 for the occurrence of 19.11.2015 and 28.11.2015 whereas the petitioners' side lodged case being Forbesganj (Simraha) P.S. Case No. 658 of 2015 at earlier point of time.

Considering the delayed lodging of the case, the case lodged by the petitioners' side at earlier point of time and the accusation has been levelled in the background of land dispute, let the above named petitioners except petitioner no. 1 Mungai Mandal be released on anticipatory bail, in the event of 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 Chief Judicial Magistrate, Araria in connection with Araria SC/ST P.S. Case No. 65 of 2015, subject to the conditions as laid down under

Section 438(2) of the Cr.P.C.

In view of the fact that petitioner no. 1 is accused in two other cases, let the learned court below consider the prayer for regular bail of petitioner no. 1, preferably on the same day, if he surrenders before the learned court below within a period of six weeks from today.

(Dinesh Kumar Singh, J)

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