

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43214 of 2015

Arising Out of PS.Case No. -96 Year- 2015 Thana -SULTANGANJ District- PATNA

1. Gulam Rasool Baliyavi @ Gulam Rasool Balyawi, aged about 46 years, S/o- Md. Sagir Ahmad, resident of Mohalla- Naugarwa, Edare- Sariya, P.S.- Sultanganj, District- Patna.

2. Md. Ali khan, aged about 41 years, S/o- Md. Murtaza Ali Khan, resident of Mohalla- Naugarwa, Edare- Sariya, P.S.- Sultanganj, District- Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : M/s Shree Prakash Srivastava and
Amit Bhushan, Advocates

For the State : None

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

5 26-02-2016 Heard learned counsel for the petitioners. None appears on behalf of the State.

The petitioners apprehend their arrest in a case registered for offences punishable under Sections 341/323/307/506/34 of Indian Penal Code and 3(1) (x), 3(2) (vii) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is contended on behalf of the petitioners that there is case and counter case between the parties. The petitioner no. 1 has purchased the property upon which the informant's side was claiming to have been settled without any document and,

therefore, the dispute has arisen and this is not a case in which the petitioners have insulted a member of scheduled caste. Copy of the sale deeds have been appended as Annexure 4 and 4/A. It is further contended that no document has been appended on behalf of the informant showing settlement in his favour. In a title suit filed against the vendor of the petitioner, the informant's side had tried to intervene into the matter, however, his application has been rejected by the learned Sub Judge III, Patna City in Title Suit No. 110 of 1986. It is also contended that so-called injury is also superficial as only scratch has been found.

Having regard to the facts and circumstances of the case, let the petitioners, namely Gulam Rasool Baliyavi @ Gulam Rasool Balyawi and Md. Ali Khan be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Sultanganj P.S. Case No. 96/2015, on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Sri Ashutosh Kumar Rai, Judicial Magistrate, Patna City, Patna subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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