

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47010 of 2015

Arising Out of PS.Case No. -54 Year- 2015 Thana -SC/ST P.S. District- SARAN

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1. Babban Rai .
2. Rajeshwar Rai@Rajesh Sah S/o Sudarshan Rai Both resident of Village-
Pojhi P.S. Derni, District Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

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

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

3 11-02-2016 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Chapra SC/ST Case No. 54 of 2015 registered under Sections
323, 341, 354, 379 and 504/34 of the Indian Penal Code and
Sections 3 (i) (xi) of SC/ST (prevention of atrocities) Act.

The accusation is that both the petitioners were
cutting the maize crop as cultivated by the informant Lalmuni
Devi, wife of Shiv Balak Manjhi. When the informant made
protest, she was abused by denoting her caste name and also tried
to cause injury through sickle, fists and slaps by the petitioners. At
that time, both petitioners snatched the chain from the neck of the
informant giving threatening her to kidnap her husband and son.

Learned counsel appearing on behalf of the

petitioners submits that in fact, regarding Plot No. 1253 Area 3 Katha of Khata no. 170, as detailed in the F.I.R., petitioners have filed the Partition Suit No. 149 of 1999 after purchasing the said land. In spite of that on the basis of application of the husband of the informant proceeding under Section 144 Cr.P.C. was initiated which was disposed of on 18.05.2007 by the Court of Sub-Divisional Magistrate, Sonapur, Saran at Chapra arriving at the conclusion that since the Partition Suit is pending in the Court of Sub-Judge, no order could be passed. In the above back ground, the present case has been lodged to give undue pressure so the petitioners may leave the claim over the land in dispute.

Having considered the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Judge-cum-A.C.J.M.-IX, Saran at Chapra in connection with Chapra SC/ST Case No.54 of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J)

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