

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28144 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -SC/ST District- KATIHAR

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1. Anil Yadav
 2. Man Mohan Yadav @ Pentar Yadav @ Man Mohan Kumar @ Pentar Yadav
Both son of Dindayal Yadav, @ Teni Yadav @ Toni Yadav.
 3. Bubloo Yadav son of Late Mahendra Prasad Yadav
 4. Dindayal Yadav @ Toni Yadav son of Madan Yadav,
All resident of Village- Barmasia, Police Station- Sahayak Thana,
District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anamul Haque

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 11-07-2016

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 341, 323, 385, 504, 506/34 of the Indian Penal Code and 3(1)(v) of SC/ST (Prevention of Atrocities) Act.

The prosecution case is that on 03.04.2016 at 11.00 A.M. the petitioners came and trying to obstruct the public road by flowing dirty water over the same. On protest being made the accused persons abused the informant,

misbehaved with the female members of the informant and started assaulting them. It is alleged that due to the assault Pankaj Kumar Rajak received injury, thereafter petitioner no. 2 Manmohan Yadav assaulted with iron rod on the shoulder and abused the informant by calling caste name.

It is submitted by learned counsel for the petitioners that in the background of encroachment dispute the accusation has been levelled. The matter travelled to this Court in C.W.J.C. No. 19659 of 2015 wherein the parties were directed to maintain status quo till final decision in the matter. It is further submitted that only one injury has been received by Pankaj Kumar Rajak on the shoulder for which opinion has been kept reserved which was caused by petitioner no. 2 Man Mohan Yadav.

Let the learned court below consider the prayer for regular bail of petitioner no. 2 Man Mohan Yadav, if he surrenders before the learned court below within a period of six weeks from today.

So far as petitioner nos. 1, 3 and 4 are concerned, considering the nature of accusation in the background of encroachment dispute and a statement has been made in paragraph 3 of the petition that the petitioners have no

criminal antecedent, let the above named petitioner nos. 1, 3 and 4 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 Additional Chief Judicial Magistrate-Ist, Katihar in connection with SC/ST P.S. Case No. 05 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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