

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1781 of 2016

Arising Out of PS.Case No. -3 Year- 2013 Thana -SC/ST District- SAHARSA

- =====
1. Shailendra Singh @ Shailendra Prasad Singh Son of Late Anandi Singh.
 2. Braham Yadav @ Brahmdeo Yadav Son of Raso Yadav

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-01-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323, 379, 504, 506 of the Indian Penal Code and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Accusation is of getting the crop from the settled land of the informant, abusing him by calling caste name and made assault.

It is submitted by learned counsel for the petitioners that the land in question was purchased by the mother of petitioner no.1 from one Rani Prabhabati Devi, the original land holder, in the year 1955. Subsequently, in the land ceiling



proceeding initiated against Rani Prabhabati Devi, the purchase land of the petitioners were clubbed with his land. The said notification issued under section 15(1) of the Bihar Land Reforms (Fixation of Ceiling Areas and Acquisition of Surplus Land) Act, 1961 was challenged in CWJC No.9011/1994 when a Division Bench of this Court directed not to disturb the possession of the petitioner over the land in question till the matter is finally decided by the Collector, Purnea. A statement to that effect has been made in paragraph 9 of the petition, which reads as :-

"9. That it is submitted that the mother of the petitioner No.1 and others filed application before the Collector Purnea, within the time prescribed by the Hon'ble Court, but the matter was kept pending since long and in the year 2014 the same has been converted as Land Dispute Case No.218/2014, which is still pending before the District Magistrate, Purnea."

Hence, by virtue of the order passed by the Division Bench, the petitioners are still in possession of the land in question.

Considering the accusation being levelled in the background of serious land dispute, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12

weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Saharsa in connection with Saharsa SC/ST P.S. Case No.3/2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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