

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4949 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -ARA HARIJAN District- BHOJPUR

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Birendra Prasad Yadav, son of Late SheoJanam Prasad Yadav, Resident of
village- Dhamar, P.S.-Arrah Mufassil, District- Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 17-03-2016 Heard the parties.

The petitioner apprehends his arrest in connection with
Ara SC/ST P.S. Case No.40 of 2015 for offences punishable
under sections 341, 323, 504, 467, 468, 120(B) and 420/34 of
the Indian Penal Code and section 3(i)(x)(iv) of the SC/ST
(Prevention of Atrocities) Act.

Mr. Ashok Kumar Singh, learned counsel appearing for
the petitioner with reference to the FIR which arises from a
Complaint Case No.1005 of 2015 duly registered as such
under section 156(3) of the Code of Criminal Procedure
submits that a purely civil dispute has been given a colour of
criminal offence. With specific reference to the allegation
present in the complaint case he submits that while accused
no.1 Dharamnath Tiwari is charged with illegal transfer of

land allegedly belonging to one Rama Kant Pandey, the petitioner along with one Dwarika Yadav are charged with illegal purchase thereof. He thus submits that for resolving a civil dispute in between the parties that a criminal case has been instituted. He further submits that in the nature of allegation so made against the petitioner, no case under the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989 is made out.

Having heard learned counsel for the parties and considering the nature of the allegations, let the petitioner, namely, Birendra Prasad Yadav in the event of his arrest or surrender within four weeks from today be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate –cum- Special Judge SC/ST, Arrah in connection with Ara SC/ST P.S. Case No.40 of 2015 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

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