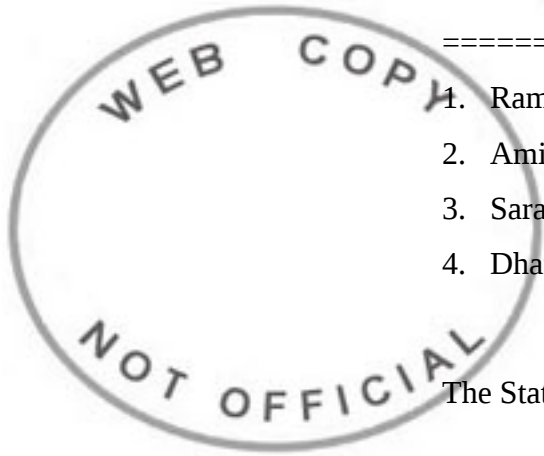


IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8661 of 2016

Arising Out of PS.Case No. -23 Year- 2014 Thana -ST/SC (HARIJAN) District- BHABHUA
(KAIMUR)



- =====
1. Ram Sinhasan Pandey @ Pawansut, son of late Rajbansh Pandey
 2. Amit Kumar Pandey, son of Ram Sinhasan Pandey
 3. Sarad Pandey, son of Ram Sinhasan Pandey
 4. Dhananjay Tiwari, son of late Bhola Tiwari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341/323/504/506/34 of the Indian Penal Code and section 3(1) (iv) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case is that when the petitioner was walking on his purchased land of plot no.291, Khata No.78, in the meantime, accused person came armed with 'lathi' and 'danda' assaulted and abused the informant by calling caste name. The accused person also threatened the informant to vacate the said

land.

It is submitted by learned counsel for the petitioners that the land was allocated to Vidyat Prabha Pande, wife of petitioner no.1 in pursuance to the decree passed in T.S.No.8/1997. Consequently, her name was mutated vide Mutation Case No.1251 of 2013-14, hence, the informant himself is aggressor. At earlier point of time, the petitioners' side filed Mohania P.S. Case No.133/2014 against the informant levelling accusation under sections 447/341/323/504/427/506/379/34 of the Indian Penal Code and thereafter the present FIR has been lodged. Petitioner nos. 1,2,3 and 4 are accused in SC/ST P.S. Case No.53/2015 wherein still final form is awaited and petitioner no.2 is accused in Mohania P.S. Case No.249/2012 wherein he is on bail. A supplementary affidavit to that effect has been filed. Let the same be kept on record.

Considering the case lodged by the petitioners' side at earlier point of time and the accusation being levelled in the background of civil nature of 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, Bhabua in connection with
Bhabua SC/ST P.S. Case No.23/2014, subject to the conditions as
laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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