

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9281 of 2016

Arising Out of PS.Case No. -10 Year- 2015 Thana -SURYAGARHA District- LAKHISARAI

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1. Bharat Lal Singh @ Guddu Singh Son of Ram Nath Singh
 2. Balram Singh son of Late Gauri Shankar Singh
 3. Mahesh Kumar Singh @ Mahesh Prasad Singh @ Mahesh Prasad son of Late Gauri Shankar Singh
 4. Ganesh Prasad Singh son of Late Gauri Shankar Singh
 5. Rahul Kumar Singh son of Dinesh Prasad Singh
 6. Dinesh Prasad Singh son of Late Bisho Singh
- All are residents of Village - Mohammadpur, P.S. Surajgarha, District – Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 29-02-2016

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 147, 148, 323, 354, 307, 436, 504, 379, 427, 429 of the Indian Penal Code and 3(1)(x) of SC/ST (Prevention of Atrocities) Act.

The prosecution case is that for two decimals of land purcha was issued in favour of the informant on which they constructed hut and started residing. On 13.01.2015

at 4.00-5.00 A.M. the FIR named accused persons including the petitioners came, assaulted the informant, snatched the jewellery and on protest being made then the accused persons assaulted the other family members and put the hut on fire.

It is submitted by learned counsel for the petitioners that the land in question was recorded in the name of grand father of one of the petitioners. Subsequently, Jamabandi was cancelled by the District Magistrate which was challenged in Title Suit when Title Suit was decreed in favour of the petitioners' side and in that background the accusation has been levelled. There is a counter version of the occurrence also and the police has also lodged a case levelling accusation under Sections 323, 147, 148 and 353 of the Indian Penal Code against the informant side. It is further submitted that on conclusion of the investigation the petitioners were not sent up for trial but differing with the final form cognizance has been taken. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that the accusation is not found true during investigation, 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

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 Chief Judicial Magistrate, Lakhisarai in connection with Surajgarha P.S. Case No. 10 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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