

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8080 of 2016

Arising Out of PS.Case No. -52 Year- 2015 Thana -DORIGANJ District- SARAN

- =====
1. Mouji Rai @ Mouji Lal Rai S/o Late Badri Rai
 2. Ramesh Kumar S/o Shri Kalika Rai Both R/o Village - Badalpura,
Dariyawganj, P.S. - Doriganj, District - Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioners and the

learned Special P.P. for the State.

Petitioners apprehend their arrest in connection with Doriganj P.S. Case No. 52 of 2015 registered for offences punishable under Sections 307, 302 and other allied sections of the Indian Penal Code and Section 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as the Act).

The prosecution case, in brief, is that on 30.06.2015, accused persons, including petitioners armed with *lathi*, *danda* and knife came to the disputed land and started scattering the bricks of the informant and on protest made by the father of the informant, they started abusing him by calling caste name as also assaulted

him causing grievous injuries and when Fulena Manjhi and Bihari Manjhi went to save him, they were also assaulted by the accused persons with knife. It has been also stated that there is dispute between the parties with regard to some land since last 7-8 years.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent and due to land dispute, the said altercation took place between the petitioners' side and informant's side, for which petitioners' side also lodged Doriganj P.S. Case No. 53 of 2015 wherein petitioners' side also received injuries. It has been submitted that the allegation is upon other co-accused, Rajesh Kumar and Sushil Kumar and petitioners were accomplice to the main accused and allegation against them is that they came variously armed along with the co-accused. It has been further submitted that the petitioners have no criminal antecedent and due to land dispute, both the sides were inimical to each other. He submits that no case under Section 3(ii)(v) of the Act is made out against the petitioners.

However, learned Special P.P. for the State submits that the petitioners were accomplice to the main accused, Rajesh Kumar and Sushil Kumar, hence, opposes the prayer for bail.

Be that as it may, since no allegation of assault has been levelled against these petitioners and the matter relates to

civil dispute, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Doriganj P.S. Case No. 52 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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