

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12423 of 2016

Arising Out of PS.Case No. -64 Year- 2015 Thana -SC/ST District- ARRARIA

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Shesh Nath Bhagat, Son of Ram Japit Bhagat, Resident of Village-
Sonarpatti, Ward No. 23, Araria, P.S.- Araria, Dist.- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ambika Bhagat (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 27-06-2016 Heard both sides.

The petitioner apprehends his arrest in S.C./S.T. P.S.
Case No. 64/2015, registered for the offence punishable under
Sections 323, 341, 379, 504 and 34 of the Indian Penal Code and
Section 3(i)(r) of S.C./S.T. (Prevention of Atrocities) Act.

The informant alleged that plot of Khata no. 2438,
Khesra no. 9788 of village Basantpur was donated by this grand
father, but the petitioner and others came and assaulted the
informant and committed theft.

It is submitted that the informant did not file any paper
to show that he got the land through gift deed from his grand
father. Petitioner got the land of Khata no. 2438, Khesra no. 9788
from the compromised decree. The informant wanted to grab the
land of petitioner and that is why this false case has been lodged

against him.

Learned Special Public Prosecutor however vehemently opposed the prayer of anticipatory bail of the petitioner.

The informant although claimed that he got the land through gift deed from his grandfather, but no document is filed and the petitioner claimed that he got the land of Khata no. 2438, Khesra no. 9788 through compromised decree, the document which is annexed in the supplementary affidavit as annexure 3. It appears that there is a bona fide land dispute between the parties.

Considering the facts aforesaid and the fact that there is a bona fide land dispute between the parties, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with S.C./S.T. P.S. Case No. 64/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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