

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12969 of 2016

Arising Out of PS.Case No. -79 Year- 2015 Thana -SHIWAPATHI District- MUZAFFARPUR

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1. Kishori Sahni S/o Late Jitlal Sahni
 2. Bhagirath Sahni S/o Late Ram Sagar Sahni
 3. Vijay Sahni @ Vijay Kumar Sahni S/o Kishori Sahni All resident of village- Ghosaut, P.S.- Siwaipatti, Dist.- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey

For the Opposite Party/s : Mr. Subhash Chandra Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 13-04-2016 Heard the counsel for the petitioners and Mr. Subhash Chandra Mishra, APP for the State.

The petitioners are named in the First Information Report vide Siwaipatti P.S. Case No. 79 of 2015, punishable under Sections 341, 323, 379, 504 of the Indian Penal Code as well as Section 3(i)(X) of the SC/ST (Prevention of Atrocities Act) (for short 'Act').

The allegation is that the accused persons reached the house of the informant and started abusing. When daughter-in-law came to protest the accused persons assaulted her by fists and slaps.

The counsel for the petitioners submits that owing to land dispute, the occurrence has taken place. The petitioners had

purchased the land from the Bhaipur of the informant. Two cases in relation to the land were lodged against the present prosecution side. This case is lodged in retaliation. The allegations of having committed offence under the Act are just interluded without there being any basis. The petitioners, on notice, appeared before the I.O. and after interrogation they were allowed to go.

The State counsel has submitted that Section 18 of the Act bars the Court to grant the privilege of anticipatory bail.

The learned Sessions Judge has also noted in the impugned order that both the parties are admittedly involved in the land dispute. They were summoned under Section 41(1) of the Cr.P.C.

Be that as it may, in my view, no reasonable apprehension exists as of now. The petitioner may surrender and pray for regular bail which shall be considered and disposed of on its own merit in accordance with law considering the observations made by the learned Sessions Judge in the impugned order.

The prayer of anticipatory bail stands disposed of.

(Kishore Kumar Mandal, J)

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