

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35613 of 2016

Arising Out of PS.Case No. -121 Year- 2016 Thana -WARISNAGAR District- SAMASTIPUR

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1. Lal Babu Purvey Son of Late Raghunath Purvey
2. Lalita Purvey Wife of Lal Babu Purvey Both resident of village
Mathurapur P.S. Warisnagar (Mathurapur O.P) District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh

For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-08-2016

Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 354, 506, 427, 379, 384 and 504/34 of the Indian Penal Code.

The prosecution case is that the informant being a vegetable vendor used to sale vegetable by putting the vegetable cot near the Punjab National Bank, Mathurapur Hat but petitioner no.1 Lal Babu Purvey used to collect ₹30 per day since last 15 years for allowing the informant and others vegetable vendors to run the vegetable shop. On 04.05.2016, petitioner no.1 came and demanded the money and on refusal of the same he snatched ₹1,000/- and assaulted the informant as a result she became semi naked. Petitioner no.2 is the wife of petitioner no.1.

It is submitted by the learned counsel for the petitioners that the petitioner no.1 has cloth shop near the place of occurrence and application was made before the authorities in the year 2008 itself for removing the encroachment made by the vegetable vendors and as a retaliatory measure, the present case has been lodged. From the FIR, it appears that no injury has been caused to the informant. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Considering the nature of accusation in the background of application filed by the petitioners' side at earlier time for removal of encroachment, 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 C.J.M., Samastipur in connection with Warisnagar (Mathurapur O.P.) P.S. Case No. 121 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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