

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18557 of 2016

Arising Out of PS.Case No. -216 Year- 2015 Thana -BAHERI District- DARBHANGA

- =====
1. Ramashray Ray S/O Late Radha Krishna Ray
 2. Bhagwan Rai @ Bauka Rai @ Bhagwan Aashra Rai S/o Late Radha Krishna Rai
 3. Babloo Rai S/o Ramashray Rai
 4. Kanhai Rai @ Kanhaiya Jee Rai S/o Anjani Rai
 5. Tuntun Rai S/O Late Lalit Rai
- All resident of Village- Bithauli, P.S- Baheri, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Kedar Jha, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 04-07-2016 Heard learned counsel for the petitioners and the

learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Baheri P.S. Case No.216 of 2015 for allegedly having committed the offence under Sections 447, 341, 323, 504, 354/34 of the Indian Penal Code and Section 3(1)(x) of the S.C. & S.T. Act.

Learned counsel for the petitioners submits that actually the occurrence in question occurred in the field and not at a public place as alleged in the F.I.R. It is further submitted that there are no independent witnesses to support the

prosecution that the occurrence had taken place at a public place or in public view. He further submits that the present dispute between the parties is with regard to the possession and ownership over a piece of land which led to the filing of the present case.

Considering the aforementioned facts and circumstances and that no case under Section 3(1)(x) of the S.C./S.T. Act is made out, let all the petitioners, above named, in the event of their 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, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned 5th Additional Chief Judicial Magistrate [Sub-Judge-5], Darbhanga, in connection with Baheri P.S. Case No.216 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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