

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2438 of 2016

Arising Out of PS.Case No. -196 Year- 2015 Thana -KHODAWANPUR District- BEGUSARAI
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1. Fateh Alam @ Nunu Babu
2. Md. Parvez
3. Md. Muslim
4. Md. Aslam All Sons of Late Ishamul
5. Md. Sabir @ Sabir Hussain Son of Late Husnain All are resident of
Village Aijni P.S Khodawandpur Chhaurahi O.P. District Begusarai.
..... Petitioner/s

Versus

1. The State of Bihar
..... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Opposite Party/s : Mr. Ram Shankar Das (Spl.Pp)
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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 19-01-2016 Heard learned counsel for the petitioner and

learned Special Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Khodawandpur Chhaurahi O.P. P.S. Case no. 196 of 2015, disclosing offences under sections 147, 148, 149, 341, 323, 307, 504 of the Indian Penal Code and Section 3(i)(x) of S.C./S.T. (Prevention of Atrocities) Act.

Learned counsel for the petitioners submits that no offence under section 3(i)(x) of S.C./S.T. (Prevention of Atrocities) Act is made out on the basis of the contents in the first information report. He further submits that a counter case has been instituted by co-accused Firoza Khatoon. The present first information report has been instituted apparently after three days of the alleged occurrence which creates serious doubt about the

veracity of allegation. He further contends that land dispute between the parties is an admitted fact and no offence under section 307 of the Indian Penal Code is made out on the basis of the allegations as contained in the first information report.

Considering the aforesaid submissions and the fact that the petitioners are not the main assailants, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Majhau, Begusarai in connection with Khodwandpur Chhaurahi O.P. P.S. Case No. 196 of 2015, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure, 1973.

This is subject to the condition that the petitioners shall present himself before the police/court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Amin/-

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