

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.419 of 2016

Arising Out of PS.Case No. -252 Year- 2014 Thana -BARHARA District- PURNIA

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1. Jageshwar Mandal son of late Ram Khelawan Mandal
 2. Kari Mandal alias Manoj Mandal son of late Diyali Mandal
 3. Subodh Mandal son of Kailash Mandal
 4. Ashok Mandal alias Paltu son of Kailash Mandal All are residents of Village - Bithaili, P.S. - Barhara, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-01-2016

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 323, 506, 354(B) of the Indian Penal Code and Section 3(1)(x) of the SC & ST (Prevention of Atrocities) Act.

The prosecution case is that the informant claims to have purchased 74 decimals of land of Khata No. 209, Plot Nos. 1164, 1165, 1166 and 1151 through registered sale deed. It is alleged that on 30.11.2014 at 7:00 P.M co-accused Kailash Mandal was ploughing the purchased land of the informant. On protest being made, he abused by calling caste name and started assaulting. When wife of the informant came to rescue then petitioners and others came and they abused, assaulted and tore the sari of the wife of the informant. It is further alleged that co-accused Neeraj Mandal subsequently

threatened the informant.

It is submitted by learned counsel for the petitioners that petitioner No. 1 is eighty years old. On the land in question, it is accorded the name of the father of petitioner No. 1 in the revenue records and the informant claims to have purchased the said land from some other person. The petitioner Nos. 2, 3 and 4 are grand son and grand-great-son of original land holder. It is further submitted that for the occurrence of 30.11.2014 the First Information Report was registered on 02.12.2014. Moreover, in the month of November at 7:00 P.M, it appears unreasonable that someone was ploughing the land.

Considering the delayed lodging of the F.I.R and the accusation being levelled in the background of land dispute, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Barhara P.S. Case No. 252 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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