

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48829 of 2015

Arising out of PS.Case No. -4423 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Md. Eftakhar Alam, Son of Shamsad Alam,
 2. Md. Arshad Alam @ Arsad Alam, Son of Shamsad Parwej.
 3. Md. Faiyaz Alam @ Faiyaz Perwej, Son of Late Abdul Majid, All residents of village - Khanwa, Kukrun, Ward No. 1, Police Station - Dhamdaha, District - Purnea.

.... Petitioners

Versus

1. The State of Bihar.
2. Upendra Rishi, Son of Late Ganesh Rishi, resident of village - Khanua (Shankar Tola), Police Station - Dhamdaha, District - Purnea.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Md. Shamimul Hoda, Advocate.
For the State : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-02-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with C.A. No. 4423/2014 for the offences instituted under Sections 3(v) and (x) of the SC/ST (Prevention of Atrocities) Act.

The prosecution story, in brief, is that adjacent to the house of the complainant, there is land bearing Khata No.53, Khesra No.1325 area 53 decimal in the name of his maternal uncle and family of his maternal uncle is residing in another village and



he is cultivating the said land for last 40 years. The accused persons tried to forcibly dispossessed from the said land and the accused persons with the connivance of police gave threat him to vacate the said land on account of which a proceeding under section 107 Cr. P.C. has been initiated on the said land. On 29.11.2014 accused persons along with police officials came and gave threat to vacate the land otherwise they will implicate in a criminal case. Thereafter, complainant gave application before the ASP, Purnea. On 8.12.2014 at about 3 P.M. accused persons and two unknown in furtherance of their intention having pistol gave threat him to vacate the land, assaulted him by fists and slaps and accused Shahid Parwej took cash of Rs.1100/- from his pocket. It is also alleged that the accused persons abused him on caste line in a public place.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. From perusal of Annexures-4 series and 5 series, it is evident that there is an admitted land dispute between the parties. There was 107 Cr. P.C. proceeding also pending between the parties and for the said reason, the prosecution has been brought against the petitioners. Part of the prosecution has been disbelieved by the court below while taking cognizance of the offence. No offence under SC/ST

Act is made out as the alleged occurrence as per the complaint case, has taken place in a lonely place and the same was not the public view.

On behalf of the State it has been submitted that the petitioners are named in the complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with C.A. No. 4423/2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Purnea, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)