

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1102 of 2016

Arising Out of PS.Case No. -480 Year- 2015 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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Parmanand Prasad Son of Late Baldeo Prasad resident of Mohalla-
Paharpur, P.S.- Bihar, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate

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

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 13-01-2016 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offences punishable under sections 447/341/323/504/427 of the Indian Penal Code and section 3(i)(x)(v)(xv) of the Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities) Act, 1989.

As per the allegation, the petitioner had gone to the house of the informant along with about 10-15 labourers and, abusing taking the name of the caste of the informant, had assaulted her with fists and slaps and started demolishing the wall from the southern side.

Learned counsel for the petitioner submits that so far the allegation of abusing the informant by taking the name of her



caste is concerned, that is not in public view. That apart, it is contended that there is a dispute with respect to the land concerned between the informant and the petitioner and in connection with that a proceeding under section 144 of the Code of Criminal Procedure was also initiated on the same day. Even prior to that, it is contended that there was a compromise between the parties in presence of several persons including the Panches(arbitrators). The said Panchanama has also been brought on record as Annexure 4 to the supplementary affidavit. Learned counsel submits that in the Panchanama it is written that the land concerned belongs to the petitioner. Thereafter, the petitioner has filed an informatory petition in the year 2011 before the Chief Judicial Magistrate, Nalanda narrating the entire stand which is appended as Annexure 5. From perusal of Annexure 5 it appears that on 26.04.2011 an order has also been passed by the Chief Judicial Magistrate, Nalanda at Biharsharif noticing the informatory petition filed along with a vakalatnama. Thus, it is contended that it is not a case covered under any section of the Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities) Act, 1989.

It appears that there is a *bona fide* land dispute between the parties which *prima facie* appears to be the genesis of the

case concerned.

Having regard to the facts and circumstances of the case, let the abovenamed petitioner, namely, Parmanand Prasad, be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Bihar Police Station Case No. 480 of 2015 on furnishing bail bond of Rs.10,000/- (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Biharsharif, subject to the conditions laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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