

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29394 of 2017

Arising Out of PS.Case No. -87 Year- 2016 Thana -ROUH District- NAWADA

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1. Arun Prasad,
2. Shashi Bhushan Prasad @ Bhushan Prasad Both S/o Ram Swaroop Prasad,
3. Umesh Prasad, Son of Jagdish Mahto, All Resident of Village- Harbansh Bigha, P.S.- Roh, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar

For the Opposite Party/s : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 01-07-2017 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners apprehend their arrest in connection with Roh P.S. Case No. 87 of 2016 instituted for the offences punishable under Sections 147, 149, 323, 324, 307, 379 and 504 of the Indian Penal Code.

The informant in his written report submitted before S.H.O has alleged that on 10.12.2016 at about 8.00 A.M., these petitioners along with others went over the Gairmajarua land for cultivation. The informant raised protest saying that the Gairmajarua land belongs to the State of Bihar, which was being utilized by the villagers. The accused persons also brutally assaulted him by means of Garasa.



The learned counsel for the petitioners submits that the land in question is the ancestral land of the petitioners. The said land stands recorded as Sarvasadharan and in the remark column, the name of the grandfather of these petitioners stands mentioned. The petitioners were in peaceful possession of the said land and on the date of occurrence, when they went over the land to cultivate, the informant and his men came and brutally assaulted for which a police case vide Roh P.S. Case No. 86 of 2016 was registered. The injuries allegedly sustained by the informant is simple in nature and no offence under Section 307 of the I.P.C. is made out.

The learned APP, on the other hand, opposed the submission.

On perusal of annexures available on record as well as the order rejecting prayer of anticipatory bail by Sessions Judge, I find that the land, which is claimed as gairmazarua is actually recorded as non-agricultural Sarvasadharan land. In the remark column of Khatian, the possession of Pokhan Mahto is mentioned. It further appears that all the injuries sustained by the informant are simple in nature caused by hard and blunt substance.

In the aforesaid facts and circumstances, the



anticipatory bail prayer is allowed. The petitioners, above named, in the event of arrest / surrender within four weeks from today, 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 learned A.C.J.M. VI, Nawada in connection with Roh P.S. Case No. 87 of 2016, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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