

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1418 of 2017

Arising Out of PS.Case No. -112 Year- 2016 Thana -MARKAHI District- KHAGARIA

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1. Naresh Sharma, Son of Raghu Nandan Sharma.
 2. Maheshwar Sharma, Son of Ramjee Sharma.
 3. Kamal Sharma, Son of Ramjee Sharma.
 4. Rajiv Sharma, Son of Phulo Sharma.
 5. Dina Sharma, Son of Ghuran Sharma.
 6. Raj Kishore Sharma, Son of Parmeshwar Sharma.
 7. Jatan Sharma, Son of Parmeshwar Sharma.
 8. Ram Tahal Sharma, Son of Ghuran Sharma, All Resident of Village Banhaer, P.S. Morkahi, District Khagaria, Bihar.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellants : Mr. Sudha Chandra, Advocate.

For the Respondent : Mr. Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 22-08-2017 Heard the parties.

The appellants are apprehending their arrest in Morkahi P.S. Case No.112 of 2016 for the offence under Sections 147, 148, 341, 323, 307, 447, 427, 354, 504, 506 of I.P.C. and Section 3(1) (r) and 3 (1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act.

Allegation as per the F.I.R against the appellants is of cutting unripened paddy from the field of the informant and upon resisting assaulting the informant by them.



Submission of the learned counsel for the appellants is that the land belongs to the appellants and when they were cutting paddy, informant having greedy eye upon the land restrained them, the occurrence took place between the parties. There is case and counter case between the parties.

Heard learned Special A.P.P. also who opposed the prayer for bail on the ground of maintainability.

Having heard both sides and in view of the facts and circumstances, as state above, let the appellants surrender before the court of Special Judge, Khagaria, and make prayer for regular bail who will consider the same taking into consideration the fact that there is case and counter case with respect to land on its own merit without being prejudiced by this order, if possible, on the same day, pass an appropriate order.

With the aforesaid observation this appeal is disposed of.

AnilKrSinha/-

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(Vinod Kumar Sinha, J)

