

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65075 of 2018

Arising Out of PS. Case No.-319 Year-2018 Thana- DUMRAO District- Buxar

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1. Lal Babu Pathak, Son of Jagdish Pathak.
 2. Saroj Pathak, Son of Lal Babu Pathak,
 3. Mithilesh Pathak, Son of Lal Babu Pathak,
 4. Dinesh Pathak, Son of Lal Babu Pathak,
 5. Mukesh Pathak, Son of Lal Babu Pathak,
- Resident of Village- Nuaon, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-11-2018 Counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 1.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioner nos. 2 to 5 are apprehending their arrest in a case registered under Sections 241, 323, 447, 504, 506, 427, 307, 327, 379/34 of the Indian Penal Code.

The prosecution case, in short, is that in the backdrop of land dispute, the accused persons were forcibly ploughing the field of the informant and when the informant protested, he was assaulted



by them.

It has been submitted on behalf of the petitioners that the petitioner nos. 2 to 5 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 2 to 5. The petitioner nos. 2 to 5 have falsely been implicated in the present case. The allegation of assault is by way of fist and slap. No weapon is said to have been used in course of occurrence. Hence, no offence under Section 307 IPC is made out. The alleged occurrence is said to have taken place due to land dispute.

On behalf of the State, it is submitted that the petitioner nos. 2 to 5 are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner nos. 2 to 5, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory 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 Chief Judicial Magistrate, Buxar in connection with Dumraon P.S. Case No. 319 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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