

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15402 of 2018

Arising Out of PS. Case No.-10 Year-2016 Thana- MADHUBANI TOWN District-
Madhubani

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1. Arun Kumar Prasad @ Arun Kumar Prasash, Son of Late Kishori Lal Sah,
 2. Kamal Rai, Son of Ashrfi Rai,
 3. Bhola Nath Prasad, Son of Shri Arun Kumar Prasad, All are resident of Mohalla- Laheriyaganj, Vivekpuram, Ward No.1, P.S.- Madhubani, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Shailendra Kumar, Advocate.
For the Opposite Party : Mr. Uday Chand Prasad, Advocate.
For the Informant : Mr. Gagan Deo Yadav, Advocate.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-04-2018 Heard the learned counsels for the petitioners, informant and the State.

The petitioners seek bail in anticipation of their arrest in connection with Madhubani (Town) P.S. Case No. 10 of 2016 dated 14.01.2016 instituted for the offences under Sections 341, 323, 447, 448, 504, 427, 354, 379 and 34 of the Indian Penal Code.

It has been alleged in the FIR that the petitioners demolished the boundary wall of the informant and ransacked the house. It has also been alleged that one of the petitioners was armed with a weapon and putting the informant in fear of death,



misbehaved with his wife.

Learned counsel appearing for the petitioners however has submitted that the present case has only been lodged to avenge the act of the petitioners in bringing to the fore encroachment made by the informant over a Gair Mazarua Land. It has further been submitted that an application had been filed by petitioner no. 3 before the Collector, Madhubani seeking removal of encroachment made by the informant. On going through the petition and after further enquiry, the Sub-Divisional Officer, Madhubani directed the Circle Officer, Madhubani to remove the encroachment by the informant. When the petitioners and others had approached the informant for not encroaching the Gair Mazarua Land by constructing a wall, the protesters were assaulted by the informant which led to filing of a case vide Madhubani (Town) P.S. Case No. 11 of 2016, which has been annexed with the petition as Annexure-4.

The petitioners are stated to be responsible persons of the locality and do not have any criminal background.

Considering the aforesaid facts, the petitioners above named are directed to be released in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production



of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Madhubani (Town) P.S. Case No. 10 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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