

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5169 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- NARALI KALA KHURD District-
Aurangabad

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1. Mithilesh Bhuiyan late Jago Bhuiyan @ Jaga Bhuiyan R/o village- Meh, Bhuiyan Tola, P.S.- Narari Kala, District- Aurangabad.
 2. Basant Bhuiyan, Kameshwar Bhuiyan R/o village- Meh, Bhuiyan Tola, P.S.- Narari Kala, District- Aurangabad.
 3. Muneshwar Bhuiyan, Somar Bhuiyan R/o village- Meh, Bhuiyan Tola, P.S.- Narari Kala, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Nilesh Kumar, Advocate Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 16-01-2020 This appeal has been filed against the order dated 26.10.2019 passed by the learned Additional Sessions Judge-I, Samastipur in A.B.P. No. 2694 of 2019 arising out of Complaint Case No. 128 of 2018 for the offence under Sections 323, 341, 379, 384, 504, 506 of IPC and Sections 3(1) (r) (s), 3(2) (va) of the SC/ST (Prevention of Atrocities) Act.

As per complainant case, all the appellants variously armed entered in the compound of the complainant and demanded Rangdari and for that causing firing.

Submission of learned counsel for the appellants is that a title suit is going on between the parties, which will appear from



Annexures 2 and 3 with respect to the above land and earlier almost with same allegation, which has mentioned in the present complaint case, a complaint case was lodged which is Annexure 5, which was dismissed. Further submission is that the complaint case itself disclosed that there is no allegation of abuse and assault in the public view. There is land dispute between the parties.

Heard learned Special PP also.

Having heard both sides, considering the above submissions, made above, this appeal is allowed. The impugned order dated 26.10.2019 passed by the learned Additional Sessions Judge-I, Samastipur, is set aside. Let the appellants, above named, in the event of their arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction learned Additional Sessions Judge-I, Samastipur, in A.B.P. No. 2694 of 2019 arising out of Complaint Case No. 128 of 2018.

(Vinod Kumar Sinha, J)

S.Katyayan/
Rahul Mishra/-

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