

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5425 of 2015

Arising Out of PS.Case No. -154 Year- 2014 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Raghunath Bhagat
 2. Jital Bhagat
 3. Santosh Bhagat
 4. Parvati Devi
 5. Kiran Devi
 6. Savita Devi
 7. Chandrika Bhagat
 8. Ranjit Bhagat
 9. Manju Devi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s Mr. Ambika Bhagat (Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 10.02.2015

Heard learned counsel for the petitioners as well as learned

Addl. Public Prosecutor for the State.

Petitioners are apprehending their arrest in a case registered under section 307 and other minor sections of the IPC and section 3 (I) (VI) of the SC/ST (Prevention of Atrocities) Act and their prayer for anticipatory bail was rejected by learned Sessions Judge on ground of non-maintainability of petition filed under section 438 of the Cr.P.C.

The contention on behalf of the petitioners is that first information report does not disclose any offence of SC/ST Act and, as a matter of fact, the petitioners and the informant are next door neighbours and they have compromised the case and settled their

dispute amicably. It is further contended by him that so far as section 307 of the IPC is concerned, injured of this case has sustained simple injury which is evident from perusal of the impugned order of learned Sessions Judge itself.

There is allegation against petitioner no.2 that he gave Dab blow on the head of informant's son and similarly, there is allegation against petitioner no.1 that he gave dagger blow on the head of informant's son.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the above named petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of Sri S.K. Mishra, Judicial Magistrate, Ist Class, Sadar at Motihari/concerned court in Chakia P. S. case no. 154/2014 subject to conditions as laid down under section 438(2) of the Cr.P.C and furthermore, if the injury of the informant's son is found grievous, learned court below shall not release petitioner nos.1 and 2 on bail.

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(Hemant Kumar Srivastava,J)

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