

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16276 of 2015

Arising Out of PS.Case No. -17 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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1. Chandra Sekhar Sah @ Chandra Shekhar Kumar son of Late Dhanik Lal Sah
 2. Ranjit Sah, son of Late Dhanik Lal Sah
 3. Bindeshwari Barahai @ Bindeshwari Badhai, son of Late Jamun Badhai
 4. Bablu Badhai son of Bindeshwari Badhai
 5. Chandeshwari Sah, son of Kishun Sah
 6. Umesh Sah, son of Kishun Sah
 7. Garib Sah, son of Devi Sah.

All are resident of village- Tariyama, P.S.- Bakhtiyarpur, District- Saharsa

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Advocate

For the Opposite Party/s : Mr. Aslam Ansari (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 13-08-2015 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Bakhtiyarpur Police Station Case No. 17/2015, disclosing offences under Sections 147, 148, 149, 341, 323, 307, 384, 504 of the Indian Penal Code, 3 (i) (X) Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act and 27 of the Arms Act.

All the seven petitioners belong to the same family and as per the allegation, they entered into the house of the informant on the date of occurrence and caused injuries to the family members of the informant.



Learned counsel appearing on behalf of the petitioners submits that even if the allegation as contained in the First Information Report are treated to be true, no offence under Section 3 (i) (X) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act is made out. He further submits that there is no specific allegation to make out a case under Section 27 of the Arms Act.

He has further submitted that prior to the institution of present F.I.R., the petitioner's side had lodged an F.I.R. being Bakhtiyarpur P.S. Case No. 16 of 2015 and contend accordingly that the present case is a counter blast to the earlier case. Considering the submission as above, this application is allowed.

Let the petitioners, above-named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur P.S. Case No. 17/2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as

and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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