

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9360 of 2015

Arising Out of PS.Case No. -5 Year- 2013 Thana -GHANSHYAMPUR District- DARBHANGA

- =====
1. Aminuddin @ Amimuddin Son of Bilat
 2. Madina Khatoon wife of Aminuddin @ Aminuddin
 3. Sabra Khatoon Daughter of Amimuddin @ Aminuddin
 4. Lukhiya Devi @ Lukhiya Khatoon Wife of Seikh Amail
- All are resident of Village - Ganour, Police Station - Ghanshyampur,
District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saghir Ahmad
For the Opposite Party/s Mr. Ram Shankar Das(Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 19.03.2015 Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State.

The case has been registered under the provision of section
3 (X) of the SC/ST (Prevention of Atrocities) Act as well as various
sections of the Indian Penal Code, out of which sections 354, 379 of
the IPC as well as section 3 (X) of the SC/ST (Prevention of
Atrocities) Act are not bailable whereas rest sections are bailable in
nature.

So far as section 3 (X) of the SC/ST (Prevention of
Atrocities) Act is concerned, it appears that there is bona fide land
dispute between the parties and, therefore, application of provision of
the SC/ST (Prevention of Atrocities) Act appears to be doubtful.

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 the Sub divisional Judicial Magistrate, Biraul at Benipur District Darbhanga in Ghanshyampur P.S. Case no. 05/2013 subject to condition as laid down under section 438(2) of the Cr.P.C.

The observation given in this order shall be treated only for the purpose of consideration of bail application.

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(Hemant Kumar Srivastava,J)

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