

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9888 of 2015

Arising Out of PS.Case No. -92 Year- 2014 Thana -SC/ST PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Prabhu Sah son of Late Ramnarain Sah
2. Sonu kumar son of Prabhu Sah
3. Geeta Devi wife of Prabhu Sah
All resident of Mohalla- Ambedkar Nagar ward No. 1, Raxaul, P.S.-
Raxaul, Dist- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar
For the Opposite Party/s Mr. Sadanand Paswan(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 12.03.2015 Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State.

The present case has been registered under the provision of
SC/ST (Prevention of Atrocities) Act as well as various sections of the
IPC. Section 18 of SC/ST (Prevention of Atrocities) Act restricts to
entertain anticipatory bail application, if case is instituted under the
provision of SC/ST (Prevention of Atrocities) Act and the court can
only entertain anticipatory bail application in case of SC/ST
(Prevention of Atrocities) Act, if provisions of the above stated Act do
not apply to the fact of the case.

The contention on behalf of the petitioners is that informant
has been set up by one Chandra Shekhar Singh who has land dispute
with the petitioners and, as a matter of fact, the above stated Chandra

Shekhar Singh is head clerk in Nagar Parishad, Raxaul and he managed the informant against the petitioners for filing the present case so-that he could pressurize and terrorize the petitioners. In support of his contention, learned counsel for the petitioners drew my attention towards annexures 2 and 3 to this petition.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in my view, this anticipatory bail petition is maintainable and accordingly, 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, Raxaul at Motihari, East Champaran in SC/ST (Motihari) P.S. Case no. 92/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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