

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3126 of 2015

Arising Out of PS.Case No. -138 Year- 2014 Thana -NAUHATTA District- SAHARSA

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1. Sikendar Yadav @ Sikandar Yadav S/o Late Jagdeo Yadav
2. Birendra Yadav @ Rakesh Yadav S/o Mahadeo Yadav

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 23-01-2015 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

Although, Nauhatta P.S. Case No. 138 of 2014 has been registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 504 of the Indian Penal Code and 3(i) (x) of S.C./S.T. (Prevention of Atrocities) Act but submission on behalf of the petitioners is that on the alleged date of occurrence it was prosecution party who assaulted the mother of the petitioner no. 2 for which father of petitioner no. 2 lodged Nauhatta P.S. Case No. 139 of 2014 against the informant of the present case and others and in retaliation to the aforesaid case the informant lodged the present case. It is further contended by him that the impugned order of learned Sessions Judge reveals that informant

got simple injury and the mother of the petitioner no. 2 also got injury.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in my view, provision of S.C./S.T. Act has been inserted in this case in retaliation with a view to make the offence graver and accordingly, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Nauhatta P.S. Case No. 138 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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