

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18192 of 2015

Arising Out of PS.Case No. -40 Year- 2013 Thana -SC/ST District- AURANGABAD

1. Pulpul Sharma @ Sushil Kumar Singh

2. Sanjiv Sharma @ Dhunmun

Both sons of Umeshwar Sharma

3. Bablu Sharma @ Prabhat Kumar

4. Papu Sharma @ Kaushal Kishore Singh

Both sons of Nawal Kishore Sharma

All resident of village - Parasia, P.S. Jamhour, Distt. - Aurangabad

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Kamendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 09-09-2015

Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners seek pre-arrest bail in connection
with SC/ST P.S. Case No. 40 of 2013 registered under Sections
341, 323, 379, 504 read with 34 of the Indian Penal Code and
Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes
(Prevention of Atrocities) Act.

It is contended that the entire case is malicious in

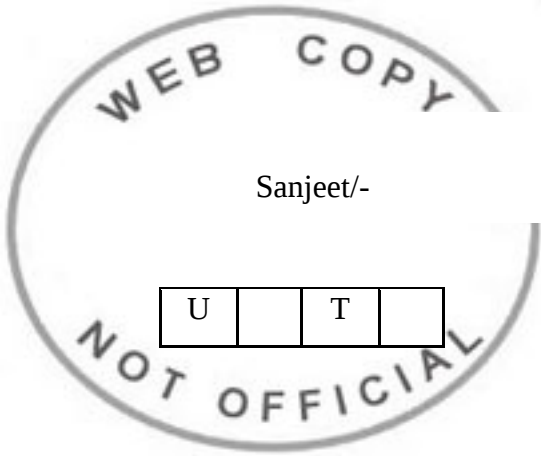
nature. They have been implicated by the informant for the reason that the informant of the present case along with his associates had assaulted the petitioner no. 1 Pulpul Sharma @ Sushil Kumar Singh on 02.08.2013 and for that reason, he had lodged Jamhour P.S. Case No. 108 of 2013 on 02.08.2013 under Section 307 of the Indian Penal Code.

He further submits that the police investigated the case and found the allegation made in the FIR to be false and submitted final report against the petitioners, but differing with the police report, the learned Magistrate took cognizance of the offence.

Learned counsel for the State has opposed the prayer for bail. He has submitted while differing with the police report learned Magistrate has taken cognizance under Section 3(1)(x) of the SC/ST (POA) Act.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of four weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Aurangabad in connection with SC/ST P.S. Case No. 40 of 2013 subject to the

conditions as laid down under Section 438(2) Cr. P.C.



(Ashwani Kumar Singh, J.)