

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19835 of 2015

Arising Out of PS.Case No. -30 Year- 2014 Thana -SC ST P.S. District- SIWAN

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1. Jay Ram Yadav
 2. Hare Ram yadav
 3. Bali Ram yadav All three sons of Sukai Yadav
 4. Doma Yadav Son of Late Akalu Yadav
All Resident of Village- Sahwachak, Police Station- Badhariya, District- Siwan
 5. Sheo Shankar Prasad son of Ram Badhae Prasad
 6. Dilip Prasad son of Ram Agrae Prasad
Both resident of village- Tinveriya Kala, Police Station- Barhari, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan
For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-07-2015 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners apprehend their arrest in connection with Siwan SC/ST P.S. Case No. 30 of 2014 registered for the offences punishable under Sections 147, 341, 323, 380, 427, 447, 354(B), 504, 506 of the Indian Penal Code and Sections 3(i) (v) (x) and (xi) of the SC/ST (Prevention of Atrocities) Act.

The petitioners after forming unlawful assembly armed with deadly weapons assaulted the informant, abused her

using caste name and further torn her clothes and took away Rs. 13,000/- and other valuable articles from the house of the informant.

Submission is of false implication and that the alleged occurrence is of 08.02.2014 whereas the complaint case has been filed on 17.02.2014 after much delay without any explanation, no offence under the SC/ST Act is made out. The petitioner has purchased the land and due to this reason the informant has lodged this false case and no injury was caused to the informant to which the learned Special APP opposes by submitting that from FIR itself it is apparent that the petitioners were objecting the informant by saying that the house has been constructed on the road and on the road they use to sit on chair and bed causing insult to them and further offence under the provisions of SC/ST Act is clearly made out as in public view the crime has been committed and, as such, anticipatory bail application is not maintainable.

In the facts and circumstances stated above, considering that due to land dispute the occurrence has taken place and the complaint case has been lodged after much delay and, as such, it is a fit case of regular bail as there is no injury upon the informant and, as such, the petitioners above named are directed to

surrender before the court below and seek regular bail and in that event they shall be enlarged on bail on execution of bail bonds to the satisfaction of the court below itself on the same day.

(Jitendra Mohan Sharma, J)

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