

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29379 of 2014

Arising Out of PS.Case No. -193 Year- 2013 Thana -BAHADURPUR District- DARBHANGA

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1. Phool Babu Yadav @ Phoolo Yadav S/o Jibachh Yadav.
2. Jibachh Yadav S/o Tunni Yadav.
3. Kali Devi wife of Rambabu Yadav.
4. Gyan Devi @ Gyanwati Devi W/o Jibachh Yadav
5. Nilam Devi @ Sona Bali W/o Shyam Yadav @ Shyam Babu Yadav
6. Mamta Devi @ Ghoghia Bali W/o Phoolo Yadav @ Phoolbabu Yadav All are
Resident of Village Gaidhatti, Police Station Bahadurpur and District Darbhanga.
.... Petitioner/s

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate
For the Opposite Party/s : Mr. Ramshankar Das, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-01-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners, apprehending their arrest in connection with Bahadur (Pator) P. S. Case No. 193 of 2013 registered for the offences punishable under Sections 147, 341, 379 and 504 of the Indian Penal Code and Section 3(X) of the SC/ST Act, seek the privilege of pre-arrest bail.

Allegedly, the petitioners and other accused persons abused the informant after uttering his caste and they were armed with Lathi, Danda and Gandasa. The accused Ram Babu Yadav gave a Farsa blow upon the head of the informant and the petitioners and other accused persons entered into the house of the informant and claimed to kill the informant and when the informant hid himself, the accused persons abused and gave lathi

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blow, which hit his right thigh and further, they took away household articles and pot from the house.

Submission is that the occurrence took place in the house, so no offence under Section 3 (X) of the SC/ST Act is made out, as it was not within public view and further for the same land, Title Suit No. 106/2013 has been filed by the petitioner no. 4 wherein the complainant is defendant no. 1 and then the complainant filed this false case. From earlier also, the dispute is going on. With the complaint petition, injury report is annexed, which is only abrasion, and as such, the petitioner deserves sympathetic consideration to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, it appears that offence under Section 379 of the Indian Penal Code is ornamental and the occurrence took place in the house not within public view and as such, it is a fit case for regular bail and as such, the petitioners are directed to surrender and seek regular bail and in that case, the prayer for regular bail shall be considered on the same date in the light of the observation as made above and, accordingly, this Anticipatory Bail Application is hereby disposed of.

(Jitendra Mohan Sharma, J.)

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