

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23032 of 2015

Arising Out of PS.Case No. -3 Year- 2014 Thana -SC/ST District- JAMUI

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1. Gyan Chandra Burnwal @ Gyani Burnwal @ Jyani Burnwal, son of late Panchwadan Modi.
 2. Rannidhar Burnwal @ Randhir Burnwal @ Randhir Kumar, son of Gyan Chandra Burnwal.
 3. Ranjit Kumar @ Soni Burnwal @ Sona Burnwal, son of Gyan Chandra Burnwal.
- All are residents of village- Paraiya, P.S.-Charka Pathar (Sono), District- Jamui.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-09-2015 Heard the learned counsel for the petitioners and the learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 406, 148, 341, 323, 380, 448, 504/34 of the Indian Penal Code and Sections 3 (X) (i) (iii) of SC/ST Act.

The informant/complainant filed complaint case no.1635C/13 which was sent to the police station and accordingly, Jamui SC/ST P.S. Case No.3 of 2014 was instituted. It is stated by the complainant in the complaint petition that he is a member of scheduled caste and accused persons are rich and influential persons and they wanted to grab land of complainant and used to abuse him by using caste name.



His son Saheb Rajak lives in Bangalore and used to manufacture and sale bags. He on the occasion of *Holi* had come to his house, then, Sonu and Randhir Burnwal both came to the house of complainant and borrowed Rs.50,000/- from Saheb Rajak with an assurance that they would refund the money within one month. It is further stated that after a lapse of one month, Saheb Rajak demanded money from the accused persons, then, all the accused persons refused to refund the same and abused by using caste name 'Sala Dhobi' and also threatened to kill. Thereafter, his son in fear fled away from the house. It is further alleged that on 25.10.2013 in evening Jyani Burnwal, Randhir Burnwal and Soni Burnwal and other criminals of locality armed with deadly weapons came to the house of the informant and Jyani Burnwal abused him by using caste name and on his instigation, Randhir and Soni Burnwal caught the informant and fell him down into the ground and assaulted him and forcibly put *lathi* into his mouth and abused him by his caste name and thereafter, entered into the house and threw box and utensils outside the house and after breaking open the lock of box, took away cash of Rs.7,000/- and papers of land and forcibly took thumb impression.

On behalf of the petitioners, it is submitted that the petitioners have got no criminal antecedent. They have been

falsely implicated in the present case due to previous enmity. As the offence under the SC/ST Act is concerned, the same is not attracted as the alleged offence is said to have taken place inside the house. It is further submitted that the petitioners are ready to deposit an amount of Rs.10,000/- in the court below, which shall be released in favour of the informant.

On behalf of the State, it is submitted that the petitioners are named in the First Information Report/complaint case.

Considering the facts and circumstances of the case, let the petitioners above-named be released on bail in the event of their arrest or surrender within a period of four weeks on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with SC/ST Jamui P.S. Case No.03/2014 subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure and further subject to the condition that the petitioners shall deposit an amount of Rs.10,000/- in the court below, which shall be released in favour of the informant.

(Sudhir Singh, J)

V.K. Pandey/-

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