

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30517 of 2014

Arising Out of PS.Case No. -169 Year- 2014 Thana -BARACHATTI District- GAYA

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1. Prayag Yadav S/O Late Jitan Yadav
2. Vinod Yadav son of Prayag Yadav
3. Umesh Yadav S/O Prayag Yadav
All R/O Village Rampur, P.S. Mohanpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 27-01-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners apprehend their arrest in connection with
Barachatty (Mohanpur) P.S. Case No. 169 of 2014 registered for
the offences punishable under Sections 447, 341, 323, 379, 504/34
of the Indian Penal Code and Sections 3 (I) (x) of the SC/ST
(Prevention of Atrocities) Act.

Allegedly, for grazing onion leaves by she-goat
earlier wife of petitioner no. 1 came and abused the wife of
informant and thereafter, in the evening the petitioners came and
after using his caste name abused him and when the informant
came out from his house, he was assaulted with fist and fat and

when his wife came, she was also assaulted by petitioner no. 2 and further snatched silver chain and due to alarm being raised other persons came and saved.

Submission is that no occurrence has taken place in public view rather it was at the door of the informant and as such no offence under the provisions of SC/ST Act is made out, the allegation under section 379 IPC is super addition, and as such, the petitioners deserve sympathetic consideration to which the learned APP opposes.

From plain reading of the FIR it reveals that it is a fit case of regular bail, and as such, the petitioners above named are directed to surrender before the court below and seek regular bail, then, their prayer for regular bail shall be considered in the light of the observation aforesaid.

Accordingly, this application is disposed of with the aforesaid directions.

(Jitendra Mohan Sharma, J)

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