

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28476 of 2015

Arising Out of PS.Case No. -64 Year- 2015 Thana -PIRPAINTI District- BHAGALPUR

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1. Bindeshwari Mandal son of Late Zero Mandal
2. Kama Devi @ Kamo Devi w/o Bindeshwari Mandal
3. Deepak Mandal son of Bindeshwari Mandal
All residents of village - Kali Prasad, Police Station - Pirpainti, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 23-07-2015 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Pirpainti P.S. Case No. 64 of 2015 registered for the offences punishable under Section 366A/34 of the Indian Penal Code and Section 3(i) (x) of S.C./S.T. (Prevention of Atrocities) Act.

According to prosecution case itself, it was co-accused, Vikas Kumar Mandal who took the victim and so far as petitioners are concerned, they happen to be father, mother and brother of co-accused, Vikas Kumar Mandal respectively. Moreover, the victim has already returned to her home and denied

the story of kidnapping.

In view of the aforesaid facts and circumstances, I am of the opinion that Section 3(i) (x) of S.C./S.T. (Prevention of Atrocities) Act is inapplicable in this case and accordingly, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Bhagalpur in Pirpanti P.S. Case No. 64 of 2015 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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