

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39518 of 2014

Arising Out of PS.Case No. -50 Year- 2014 Thana -CHHATAPUR District- SUPAUL

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1. Anil Kumar Jha @ Anil Jha
 2. Amir Jha @ Mithilesh Kumar Jha
 3. Shiv Kumar Jha Serial Nos. 1 to 3 all Sons of Indra Mohan Jha null
 4. Madan Mohan Jha Son of Late Radha Kant Jha
 5. Kulanand Jha Son of Late Dori Jha
 6. Sadanand Jha Son of Late Ramu Jha
 7. Rita Devi Wife of Mohan Jha
 8. Suntia Devi Wife of Late Ashok Jha All Resident of Village - Lalganj,
P.S. - Chhatapur, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Jha

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

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 23-07-2015 This petition under section 438 of the Code of Criminal Procedure is filed for grant of anticipatory bail. The petitioner figured as accused in Chhatapur P.S. Case No. 50 of 2014, wherein offences punishable under sections 147, 341, 323, 379 and 504 of the Indian Penal Code and sections 3 and 4 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act were alleged.

The petitioner filed A.B.A. No. 295/14(S) in the court of Sessions Judge, Saharsa. The same was rejected on 23-7-2014. Hence this application.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

It is no doubt true that there is allegation referable to sections 3 and 4 of the S.C./S.T. Act against the petitioners. The

record, however, discloses that the third petitioner herein filed a complaint on the basis of which Chhatapur P.S. Case No. 220/13 was registered against the informant in the instant case, by name, Bhajan Sardar. The other offences referable to various provisions of the Indian Penal Code is not that serious.

Prima facie, this Court finds that the provisions of SC/ST Act was included only as a counter-blast of Chhatapur P.S. Case No. 220/13. It is represented that the 1st petitioner has already been arrested.

Hence, this petition is allowed. It is directed that in the event of arrest, the above named petitioner nos. 2 to 8 shall be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Supaul, in connection with Chhatapur P.S. Case No. 50/14, subject to the conditions as laid down under section 438(2) Cr.P.C.

(L. Narasimha Reddy,CJ)

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