

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31808 of 2015

Arising Out of PS.Case No. -15 Year- 2015 Thana -SC/ST District- MADHUBANI

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1. Shiv Narayan Chaudhary @ Bimal Kant Chaudhary Son of Late Dasarath Chaudhary Resident of village - Kakaraul, P.S. Rahika, District - Madhubani
 2. Shashi Kant Chaudhary @ Mantu Chaudhary Son of Sri Chandra Narayan Chaudhary Resident of village - Kakaraul, P.S. Rahika, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore

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

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 12-08-2015 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out of Madhubani SC/ST P.S. case No. 15 of 2015, disclosing offences under Sections 341,323 and 504/34 of the Indian Penal Code & Section 3(i) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

Learned senior counsel appearing on behalf of the petitioners submits that on the basis of allegation as contained in the First Information Report, no offence under Section 3(i) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of

Atrocities) Act is made out as levelling of the said Section is ornamental in order to defeat the petitioners' right to seek anticipatory bail. I find substance in the submission made on behalf of the petitioners.

Accordingly, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, 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 learned Additional Chief Judicial Magistrate, Madhubani in Madhubani SC/ST P.S. Case No. 15 of 2015 (G.R. No. 554/2015), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present themselves before the Police/Court, as the case may be, and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, his bail bonds shall liable to be cancelled.

(Chakradhari Sharan Singh, J)

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