

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33311 of 2015

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

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1. Prabhu Nath Rai Son of Late Babban Rai
 2. Sunil Rai Son of Sri Prabhu Nath Rai
 3. Mintu @ Ajit Rai @ Amit Rai Son of Sri Prabhu Nath Rai
 4. Santosh Rai Son of Sri Prabhu Nath Rai
 5. Shailesh Rai Son of Sri Prabhu Nath Rai
 6. Santosh Kumar Son of Sri Prahlad Shahi All resident of Village - Chainpur, P.S. - Hathua, District - Gopalganj (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-08-2015

Heard learned counsels for the petitioners

and the State.

Petitioners are apprehending his arrest in a case registered for the offences punishable under Sections 323, 343, 504, 506, 34 of the Indian Penal Code and Section 3(1)(x) of the SC & ST (Prevention of Atrocities) Act.

It is alleged that on 20.02.2015 the informant being Headmaster of the school while teaching the students, accused persons came and pressurized for issuance of false certificate, on denial they assaulted the informant and got the certificate issued on the point of arms. Subsequently on 22.02.2015 at 9:00 P.M, petitioner No. 6 Santosh Kumar who

was also a teacher in the school of the informant called him as soon as the informant came at his house accused persons abused the informant by calling caste name and gave life threatening for reporting the matter to the Block Education Officer.

It is submitted by learned counsel for the petitioners that daughter of petitioner No. 2 was student of the school of the informant. The certificate was required for getting her admitted in different school and the alleged certificate which is claimed to have been issued by the informant on 20.02.2015 was actually issued on 31.03.2014 with the signature of Principal of the school as contained in Annexure-5. Moreover for the occurrence of 20.02.2015 the First Information Report was registered on 04.03.2015 and there is nothing on record to suggest that informant received any injury.

Considering the delayed lodging of the case and the alleged certificate which is claimed to have been issued by the informant under life threat on 20.02.2015 was actually been issued with the signature of the informant on 31.03.2014 as contained in Annexure-5, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the

satisfaction of learned Sub-Divisional Judicial Magistrate,
Gopalganj in connection with Gopalganj SC/ST P.S. Case No.
15 of 2015, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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