

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43260 of 2014

Arising Out of PS.Case No. -46 Year- 2014 Thana -MUSRIGHARARI District- SAMASTIPUR

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1. Rajeev Kumar Gupta S/o Baidya Nath Sah Resident of Village – Sarairanjan, P.S. - Sarairanjan, Distt. - Samastipur
 2. Lakshman Sahni S/o Girmal Sahni
 3. Guddu Sahni S/o Ganeshi Sahni
 4. Ram Babu S/o Chulhai Paswan All 2 to 4 R/o Village - Harpur Elaith, P.S. - Musarigharari, Distt. - Samastipur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 20-03-2015 Heard learned counsel for the petitioners as well as learned counsel for the State.

In this application for anticipatory bail the petitioners apprehend their arrest for the offences punishable under sections 323, 324, 379 and 504 of the I.P.C and sections 3 (1) X of the SC/ST (P.O.A) Act.

Allegedly, the informant and Anil Mahto went to meet Md. Manjar and then Md. Manjar requested them to remain there so that he may take meal and thereafter the petitioners came and abused using caste name and assaulted by fists, slap and iron rod to the informant and Anil Mahto both and further the petitioners

Rajeev Kumar Gupta, Lakshman Sahni and Guddu Sahni took away D.G. Battery and two mobile phones valuing Rs. 35000/-. Nearby persons assembled and saved them and brought for treatment.

Submission is that no offence under SC/ST Act is made out as occurrence is not taken place in the public view. The allegation of theft is ornamental and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. opposes by submitting that the anticipatory bail application is not maintainable.

In the facts and circumstances as stated above, finding a fit case for regular bail the petitioners are directed to surrender in the court of C.J.M. Samastipur where the case is pending and seek regular bail in connection with Musharigharari P.S. Case No. 46 of 2014, then in that case they shall be released on bail on executing the bail bonds to the satisfaction of the learned court below itself.

Abhay/-

(Jitendra Mohan Sharma, J)

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