

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41864 of 2014

Arising Out of PS.Case No. -14 Year- 2013 Thana -DUMARIYA District- GAYA

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1. Raja Yadav Son of Late Baudi Yadav
2. Nand Kishore Mistry Son of Late Tulsi Mistry Both Resident of
Village-Harni Tola Terwadih, P.S.-Dumariya, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar

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

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR

SAHOO

ORAL ORDER

2 20-03-2015 Heard the learned counsel for the petitioners and

learned A.P.P. for the State.

So far petitioner No.1, Raja Yadav is concerned, the
learned counsel for the petitioners submitted that he has already
arrested, therefore, the anticipatory bail application has become
now infructuous.

In view of the submission, this anticipatory bail
application is heard on merit regarding the petitioner No.2 only.
So far petitioner No.1 is concerned, this application is dismissed
as it become infructuous.

The petitioner No.2, namely, Nand Kishore Mistry
who apprehends his arrest in Dumariya P.S. Case No.14 of 2013

under Sections 147, 148, 149, 341, 342, 448, 323, 325, 307, 354, 504, 506 of I.P.C. and 3(1)(x) of S.C./S.T. Act and 17 of C.L.A. Act.

According to the F.I.R., the informant, Smt. Madhu Devi, Mukhiya lodged the F.I.R. alleging that the petitioner No.2, Nand Kishore Mistry along with other co-accused persons named in the F.I.R., ten in number, and unknown persons armed with various weapons entered in the house of the informant and assaulted the husband of the informant as a result of which, her husband became senseless and was taken to hospital for treatment. The petitioner also abused in the name of caste.

The learned counsel for the petitioners submitted that there is omnibus allegation against the petitioner No.2 and the other co-accused persons. The parties have compromised and now there is relation between them. The learned counsel further submitted that the so called abuse in the name of caste was not done in the public place. Therefore, the provision of Schedule Castes and Scheduled Tribes, (Prevention of Atrocities) Act, 1989 is not applicable.

On the other hand, learned A.P.P. objected the prayer for anticipatory bail.

In view of the nature of allegation and the fact that the

parties have compromised, I direct the petitioner No.2 named above to surrender before the court below within one month from today and on his so surrendering, the petitioner No.2 shall be released on bail on furnishing bail bond of Rs.5,000/-(five thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Sherghatti, Gaya in connection with Dumariya P.S. Case No.14 of 2013.

(Mungeshwar Sahoo, J)

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