

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42552 of 2014

Arising Out of PS.Case No. -11 Year- 2014 Thana -SC/ST PS District- BUXAR

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1. Jagnarayan Tiwary Son of Late Kapil Tiwary
2. Hari Tiwary Son of Jagnarayan Tiwary.
3. Jitendra Tiwary.
4. Tuntun Tiwary.
5. Munna Tiwary.
6. Bhim Tiwary.
3 to 6 are sons of Late Deonarayan Tiwary
All residents of village Barki Nainijore, P.S. Nainijore, District Buxar
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioners : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

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

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 354, 506, 384 and 353 of the Indian Penal Code and Section 3 (1) (x) (xi) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act registered in connection with Buxar ST/SC P.S. Case No.11 of 2014.

3. It is submitted that the petitioners have been falsely implicated in this case in retaliation to earlier FIR instituted against the informant and others by the mother of

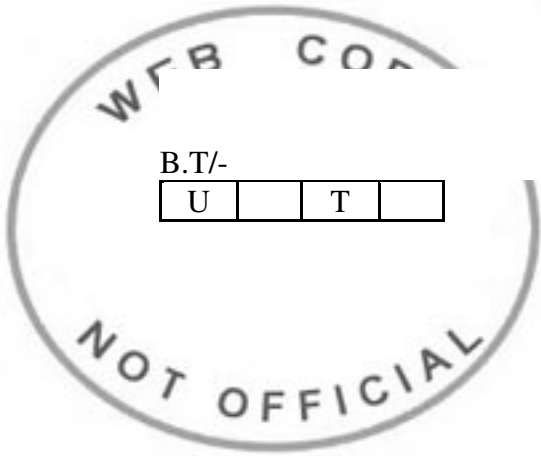
petitioner nos.3 to 6. Even according to the first information report, offence under Section 3 (1) (x) (xi) of the SC/ST Act is not made, the occurrence being not in public view.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the petitioners, namely, Jagnarayan Tiwary, Hari Tiwary, Jitendra Tiwary, Tuntun Tiwary, Munna Tiwary and Bhim Tiwary, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar SC/ST P.S. Case No. 11 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:-

(i) The petitioners shall cooperate with the investigation and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioners shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, their bail bonds shall be liable to be cancelled

by the learned Court concerned.



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(Vikash Jain, J)