

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36850 of 2015

Arising Out of PS.Case No. -15 Year- 2015 Thana -RISHIYAP District- AURANGABAD

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1. Rajnandan Sharma Son of Chhedi Sharma
 2. Deo Kumar Sharma Son of Rajesh Sharma
 3. Ram Kumar Sharma Son of Rajesh Sharma All R/o Village Judahi, P.O. & P.s. Risiup, District Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 10-09-2015 Heard learned counsel for the petitioners and learned
Special Additional Public Prosecution for the State.

This application for grant of anticipatory bail arises out of Risiup P.S. Case No. 15 of 2015, disclosing offences under Sections 341,323,324,504,379/34 of the Indian Penal Code and Section 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel appearing on behalf of the petitioners has submitted that the entire prosecution story stands falsified, if the injury report submitted by the doctor is looked into, since the Doctor has found the injuries, on the person of the informant simple in nature caused by hard and blunt substance, whereas, in



the First Information Report, the allegation against the petitioners is of causing injury by dagger. A sharp cutting weapon. As regards allegation against the petitioners of commission of offence punishable various provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, he contends that in course of investigation, the Deputy Superintendent of Police has found such allegation not to be true.

Learned Special Additional Public Prosecutor appearing on behalf of the State, on the other hand, submits that this application for anticipatory bail may not be entertained in view of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

However, I find substance in submission made on behalf of the petitioners that the entire prosecution case, prima facie, appears to be incorrect in view of the injury report and finding of the police officer in course of investigation.

Having considered the submissions as above I am of the view that merely on the ground of levelling of Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the petitioners' prayer for anticipatory bail cannot be refused, as the allegations, prima facie, appear to be malicious.

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 from today, 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 Judicial Magistrate, Ist Class, Sri Mahavir Prasad, Aurangabad in Risiup P.S. case No. 15 of 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, their bail bonds shall be liable to be cancelled.

It is made clear that any observation made in the present order shall not prejudice trial, if any, arising out of said Risiup P.S. Case No. 15 of 2015.

(Chakradhari Sharan Singh, J)

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