

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43277 of 2015

Arising Out of PS.Case No. -287 Year- 2015 Thana -LAHERIASARAI District- DARBHANGA

- =====
1. Vijay Purvey son of Late Rameshwar Purvey.
 2. Raj Kumar Sah son of Late Bhomu Sah. Both are resident of village- Abhanda.
 3. Lal Babu Paswan son of Late Mahendra Paswan, resident of village- Ekmi Ghat.
 4. Sanjay Mahto son of Laxmi Mahto, resident of village- Saidnagar.
 5. Kishore Paswan son of Sri Tetar Paswan, resident of village- Krishna Nagar All residents under Police Station- Laheriasarai, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 04-11-2015 Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners pray for anticipatory bail in a case registered under Sections 341, 323, 354, 504 and 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 for the petitioners, at the outset, submits that the learned Sessions Judge has wrongly recorded in his order that abuse by caste name was made by the petitioners on the main road, whereas it is evident from a consideration of the first information report that the reference made is only the context of the address of petitioner No.3 as stated in the first information report and it is manifest that the abuse, if any, has taken place inside the house of the informant and thus no case under Section 3

(i) (x) of the SC/ST Act is made out. It is further submitted that no injury was inflicted upon the informant and her husband. It is contended that wrongly the allegations have been made to bring the case under the S.C./S.T. Act whereas two of the accused persons are also themselves members of the Scheduled Castes. It is also submitted that the petitioners have falsely been implicated in the present case on account of village politics.

On a consideration of the facts and circumstances of the case, it is directed that the petitioners (1) Vijay Purvey, (2) Raj Kumar Sah, (3) Lal Babu Paswan, (4) Sanjay Mahto and (5) Kishore Paswan in the event of their arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No.287 of 2015, subject to the other conditions as laid down under Section 438 (2) of the Cr.P.C.

V.P.Sinha/-

(Ramesh Kumar Datta, J)

U			
---	--	--	--