

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42980 of 2015

Arising Out of PS.Case No. -413 Year- 2015 Thana -PHULWARI District- PATNA

- =====
1. Churan Saw Son of Jagarnath Saw
 2. Ramji Saw Son of Churan Saw
 3. Smt. Hemanti Devi, Wife of Niranjana Saw

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-10-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 341, 323, 337, 338/34 of the Indian Penal Code and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that the accused persons including the petitioners assaulted the son of the informant and one Kundan Kumar treating them as member of Scheduled Caste.

It is submitted by learned counsel for the petitioners that for the occurrence of 05.06.2015, the FIR was registered on 11.06.2015 but it reached to the Court of learned Judicial Magistrate on 15.06.2015, which suggests antedating of the FIR. The injured have received superficial injuries. It is further

submitted that even assuming the accusation no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Moreover, a statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the delayed lodging of the case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in connection with Phulwarisharif (Janipur) P.S. Case No.413 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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