

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43122 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -ST/SC (HARIJAN) District- BHABHUA
(KAIMUR)

- =====
1. Sarjoo Sharma, Son of Late Bhagwat Sharma
 2. Bechan Sharma, Son of Late Bhagwat Sharma
 3. Satish Sharma, Son of Sarjoo Sharma
 4. Sharwan Sharma, Son of Vikram Sharma All resident of Village-
Manikpur, Police Station- Bhagwanpur, District- Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

4 30-11-2015 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 341/323/325/379/504/34 of the Indian Penal Code and Section 3 (i) (x) of the S.C./S.T. (Prevention of Atrocities) Act.

It is submitted by learned counsel for the petitioners that all the Sections under the Indian Penal Code, except Section 379 are bailable and Section 379 I.P.C. has been used ornamentally and so is invoking the provisions of the SC/ST Act. It is further submitted by learned counsel for the petitioners that there has been a quarrel between the son of petitioner No.1 and the son of the informant, as a result of which the false case has been filed

invoking the provisions of SC/ST Act just to ensure that the petitioners are not granted bail. It is also submitted that at worst the allegation of abusing the caste name is alleged only against petitioner No.1, Sarjoo Sharma. It is urged that subsequent to the event, the parties have compromised the matter and a petition in that regard has also been filed in the court below.

On a consideration of the facts and circumstances of the case, it is directed that the petitioners (1) Sarjoo Sharma (2) Bechan Sharma, (3) Satish Sharma and (4) Sharwan Sharma, 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, Kaimur at Bhabhua in connection with SC/ST Bhabhua P.S. Case No.37 of 2015, subject to the other conditions as laid down under Section 438 (2) of the Cr.P.C.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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