

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44740 of 2015

Arising Out of PS.Case No. -61 Year- 2015 Thana -CHAND District- BHABHUA (KAIMUR)

- =====
1. Uday Ram Yadav, Son of Late Shobha Yadav.
 2. Pintu Yadav, Son of Komal Yadav.
 3. Harish Yadav, Son of Komal Yadav.
- All Resident of Village - Shiorampur, P.S. - Chand, District - Kaimur
(Bhabhua).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 14-10-2015 Heard learned counsel for the petitioners and
learned Special P.P. for the State.

The petitioners apprehend arrest in Chand P.S.
Case No. 61 of 2015 dated 24.07.2015 instituted under
Sections 341/323/325/504/34 of the Indian Penal Code and
3(1)(x)(xi) of The Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989 (hereinafter referred to as
the 'Act').

Supplementary affidavit has been filed on
behalf of the petitioners.

The allegation against the petitioners is of
assault and abuse by caste name

Learned counsel for the petitioners submits
that though as per the allegation, the petitioners are said to

have assaulted the informant and other family members due to them objecting to the construction over a piece of land but the same is false since the land was validly bought by them under registered sale deed executed by the father-in-law of the informant. Learned counsel submits that thus when they were making construction on their own land, there was no occasion for them to assault any other person much less the informant and her family members. Learned counsel submits that earlier also the petitioners and other family members were made accused in Chand P.S. Case No. 10 of 2015 dated 30.03.2015 registered under Sections 341/336/504/34 of the Indian Penal Code and 3(1)(x)(xi) of the Act, filed by another family member of the present informant with regard to the same land and the same dispute in which the petitioner no. 1 being accused along with others had been granted anticipatory bail by a co-ordinate Bench of this Court on 27.07.2015 in Cr. Misc. No. 29243 of 2015. It is submitted that once the petitioners having a valid deed of transfer and admittedly making construction on that land, the informant or any other person being aggrieved by the same shall only have the remedy before the competent Civil Court. It is submitted that thus, for oblique reasons and with mala fide intention, the petitioners and his family members are being made accused in criminal cases one after the other. Learned counsel submits that from the allegation made in the F.I.R. itself, it is clear that no ingredient under Section 3(1)(x)

(xi) of the Act is made out as there is no allegation that it was in public view and further there is no allegation of any assault or use of force against the informant or any other woman with intention to dishonour or outrage her modesty.

Learned Special P.P. opposes the prayer for anticipatory bail and submits that the petitioners are named in the F.I.R. and there is allegation against them.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabhua in Chand P.S. Case No. 61 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

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