

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37872 of 2014

Arising Out of PS.Case No. -90 Year- 2014 Thana -MAHISI District- SAHARSA

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1. Anmol Yadav Son of Late Ramji Yadav
 2. Lallu Yadav @ Lalu Yadav @ Lallu @ Lalli Yadav Son of Buchchilal Yadav
 3. Buchchilal Yadav Son of Late Uttimlal Yadav
 4. Surendra Yadav Son of Buchchilal Yadav
 5. Kripal Yadav Son of Late Uttimlal Yadav
 6. Bijli Yadav Son of Kripal Yadav
 7. Ravindra Yadav @ Rabho Yadav Son of Buchchilal Yadav
 8. Sunil Yadav Son of Bindeshwari Yadav
 9. Kamleshwari Yadav @ Kamlesri Yadav Son of Late Tarni Yadav
 10. Bindeshwari Yadav @ Bindesri Yadav Son of Late Tarni Yadav
 11. Gholat @ Gholat Yadav @ Satya Narayan Yadav @ Satyendra Yadav Son of Tarni Yadav All resident of village- Thara, P.S.- Mahishi, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Rana Randhir Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 13-04-2015 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Mahishi P.S. Case No. 90 of 2014 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 379, 427, 504, 506 of the Indian Penal Code as well as under Section 3, 1(V)(X) of the SC/ST (POA) Act.

Learned counsel for the petitioners drew my attention to order dated 10.10.2014 by which the bail application of petitioner

No. 3 was dismissed as withdrawn and also order dated 23.02.2015 by which this application has become infructuous as against petitioner No. 6.

Learned counsel for the petitioners submits that the present case has been lodged at the instance of the informant on account of the fact that there is history of litigation between the parties.

Learned counsel for the petitioners further submits that that the allegation of attack are against only petitioner No. 4, 5, 9 and 10 whereas the allegation against the rest though stated in the First Information Report, do not find support in the injury report.

Learned counsel for the informant however, submits that the injuries have been found to be grievous in nature.

So far as provisions of Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is concerned, learned counsel for the petitioners submits that they have been added only to make the offence more grievous and implicate them as well as harass them.

It is also submitted that the occurrence did not take place at a public place. Learned counsel for the petitioners has drawn my attention to Annexure-2 which is a complaint case instituted by Buchchilal Yadav, petitioner No. 3, with regard to the same

occurrence.

Considering the aforementioned submissions and also the fact that there is no witness to the occurrence, let the petitioners above named (except petitioner Nos. 3 and 6), in the event of their arrest / surrender within a period of two weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the each amount to the satisfaction of the learned Judicial Magistrate, Saharsa in connection with Mahishi P.S. Case No. 90/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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