

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48698 of 2015

Arising Out of PS.Case No. -212 Year- 2015 Thana -PIPRA District- EASTCHAMPARAN
(MOTIHARI)

=====

1. Ashok Singh S/o Suryadeo Singh
2. Ranjeet Singh S/o Ashok Singh
3. Nagendra Singh S/o Late Sundardeo Singh
4. Satyendra Singh S/o Suryadeo Singh
5. Sanjay Singh S/o Suryadeo Singh all are resident of Village- Madhurapur,
P.S.- Pipra, Distt- East Champaran. Petitioners

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey
For the Opposite Party/s : Mr. Anish Chandra(App)

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 04-11-2015 Heard learned counsel for the petitioners and the State as well as learned counsel appearing for the Informant.

The prayer for bail on behalf of petitioner No.1, Ashok Singh, is permitted to be withdrawn as he has been arrested.

Petitioner Nos. 2 to 5 apprehend their arrest in a case under Sections 341, 323, 436, 504, 506/34 of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act.

It is alleged that petitioner Nos. 2 and 3 entered into the dwelling of the informant, abused him, set fire and looted the goods worth Rs.18,000/-. It is further alleged that soon after the incident, petitioner Nos. 4 and 5 came in support of accused Nos.2

and 3.

The petitioners submit that no case under SC/ST Act is made out as the occurrence did not take place in the public view. Further more, the dwelling house, in fact, belongs to them and it is the prosecution side which set fire to it. There is a case and counter case between the parties. They submit that in any view of the matter, no case would be made out at least against petitioner Nos.4 and 5.

Learned counsel for the State as well as Informant oppose the prayer for bail.

It is evident from the First Information Report that petitioner Nos.4 and 5 came towards the end of the incident and the allegation leveled against them is of giving support to the accused persons. Prima facie there is no allegation that petitioner Nos.4 and 5 set fire or abused the informant or his family members.

Considering the facts and circumstances of the case, if the petitioner nos. 4 and 5 namely Satyendra Singh and Sanjay Singh, surrender within four weeks from today, they would be released on bail on furnishing bail bonds to the satisfaction of the trial court.

The prayer for anticipatory bail of petitioner Nos. 2 and 3,

namely, Ranjeet Singh and Nagendra Singh, is rejected. They should surrender and pray for regular bail, which would be disposed of on its own merit without prejudice preferably on the same day and also taking into consideration that there is a case and counter case between the parties.

(Samarendra Pratap Singh, J)

KHAN/-

U			
---	--	--	--