

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46972 of 2015

Arising Out of PS.Case No. -28 Year- 2015 Thana -SC/ST District- ARRARIA

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1. Abdul Rahim S/o Tahir Hussain resident of Village Pararya P.S. Sikty District Araria.
2. Zafar S/o Akabar Ali @ Dukha resident of Village Kathwa P.S. Sikty District Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Anil Prasad Singh, Advocate

For the State : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 02-11-2015 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend arrest for the offences alleged under Sections 341, 323, 420, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3(i) (d), 3 (i) (4) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act registered in connection with Araria (SC/ST) P.S. Case No.28 of 2015.

3. It is submitted that the petitioners have been falsely implicated as evident from the first information report, there is inordinate delay in instituting the same on 19.06.2015 for the alleged occurrence which took between 25.10.2014 and 25.05.2015. Even according to the informant, money said to have

been paid on 25.10.2014 was returnable after 15 days but no explanation has been given for delayed request for the payment said to have been made after a long lapse of time on 25.05.2015. It is further submitted that the offences under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act are not made out as neither any specific offending words have been used by the petitioners nor the alleged occurrence was in public view.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Subdivisional Judicial Magistrate, Araria in connection with Araria (SC/ST) P.S. Case No. 28 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Vikash Jain, J)

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