

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47909 of 2014

Arising Out of PS.Case No. -44 Year- 2013 Thana -GAYA HARIZAN District- GAYA

1. Jai Prakash Son of- Murli Manohar Prasad, R/o Mohalla- Tekari Road,
P.S.- Kotwali, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with
Criminal Miscellaneous No.51932 of 2014

Arising Out of PS.Case No. -44 Year- 2013 Thana -GAYA HARIZAN District- GAYA

1. Mithilesh Kumar
2. Pappu Kumar alias Billa
3. Anup Kumar alias Anu Kumar

All sons of Krishna Prasad All resident of Mohalla Ramdhanpur Dhan
Kutti Near RamRuchi High School Gaya P.S. Kotwali District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :
(In Cr.Misc. No.47909 of 2014)
For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. Sadanand Paswan (Spl.Pp)
(In Cr.Misc. No.51932 of 2014)
For the Petitioner/s : Mr. Nand Kishore Prasad Sinha
For the Opposite Party/s : Mr. Ramshankar Das(Spl.Pp)

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

5 22-06-2015 Both the above stated petitions have arisen out of

Gaya S.C./S.T. P.S. Case No. 44 of 2013 registered for the

offences punishable under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 3(i) (x) of S.C./S.T. (Prevention of Atrocities) Act and accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Almost, all the sections are bailable in nature except Section 379 of the Indian Penal Code and Section 3(i) (x) of S.C./S.T. (Prevention of Atrocities) Act.

Learned counsel appearing for the petitioners submits that the provision of S.C./S.T. (Prevention of Atrocities) Act is not applicable in this case and as a matter of fact, the informant lodged this false case at the behest of enemies of the petitioners. It is further contended that so far as Section 379 of the Indian Penal Code is concerned, the same is super addition with an intent to make the offence graver.

Considering the aforesaid facts and circumstances as well as submissions of the parties, these anticipatory bail petitions are allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on 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, Gaya in Gaya S.C./S.T. P.S. Case No. 44 of
2013 subject to condition as laid down under Section 438(2) of
the Cr.P.C.

(Hemant Kumar Srivastava, J)

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