

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49280 of 2015

Arising Out of PS. Case No. -50 Year- 2008 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Uma Shankar Mishra, son of Late Sukhdeo Mishra
 2. Jhunjhun Mishra, son of Uma Shankar Mishra,
 3. Umarawati Devi, wife of Uma Shankar Mishra,
All Residents of Village- Parsauni, P.S.- Paharpur, District- East
Champaran.
 4. Madan Pandey, son of Ram Swaroop Pandey, Resident of Village-
Barwa Areraj, P.S.- Govindganj, District- East Champaran.
- Petitioners

Versus

1. The State of Bihar.
 2. Baiju Chaudhary, son of Late Amar Chaudhary, Resident of Village-
Jogiyad Janerwa, Areraj, P.S.- Govindganj, Dist.- East Champaran.
- Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

3 14-12-2015 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in a case under
Sections 341, 323 of the Indian Penal Code and Section 3 (1) (x)
of the Scheduled Castes/Scheduled Tribes (Prevention of
Atrocities) Act.

Learned counsel for the petitioners submits that the
informant is a labourer of son-in-law of petitioner nos.1 and 3 and
the daughter of petitioner nos. 1 and 3, namely, Sudha Devi, filed
a complaint case against her husband under Section 498 (A) of the

Indian Penal Code, in which petitioner no.4 is the witness.

Learned counsel further submits that the instant case has been filed at the behest of son-in-law of petitioner nos. 1 and 3 through his labourer. He further submits that no case under Section 3 (1) (x) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act would be made out, as the offence took place in the house and not in the public place.

In the circumstances, in the event of arrest or surrender before the court below within six weeks from today the above named petitioners be released on bail on furnishing bail bond of Rs.5000/- (Five thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran at Motihari in connection with Complaint Case no. 50 of 2008 subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Samarendra Pratap Singh, J.)

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