

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54318 of 2015

Arising Out of PS.Case No. -197 Year- 2015 Thana -SONEPUR District- SARAN

- =====
1. Kamala Rai @ Ftakhu Rai @ Fatku Rai Son of late Bachchu Rai
 2. Banaras Rai S/o late Bachchu Rai
 3. Birendra Rai@Birendra Kumar Rai S/o Sudarshan Rai
 4. Baliram Rai@Bali Rai S/o late Daroga Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 01-12-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 436, 448, 427, 506 of the Indian Penal Code and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that on 21.05.2015 at 2 pm the hut of the some caste-men of the informant caught fire when the villagers came to extinguish the fire but due to fear of some anti-

social elements, the villagers went away. It is alleged that prior to the occurrence on 09.05.2015, the dead body of one Shailendra Rai was recovered from the bamboo clumps when it was suspected that informant's caste-men assaulted the victim. It is further alleged that the petitioners' side used to threat the informant's side.

It is submitted by learned counsel for the petitioners that the whole accusation is based on suspicion and due to caste rivalry, the apprehension arose in the mind of the informant. For the occurrence of 21.05.2015 at 08.30 pm, the FIR was registered on 22.05.2015 at 04.00 pm. Subsequently, the informant has retracted from initial version and has filed a petition to that effect before the learned court below, the same has been brought on record as annexure-2 to the petition. Moreover, a statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the suspicious nature of accusation, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions

Judge-cum-Special Judge, SC/ST Act, Chapra in connection with
Sonpur P.S. Case No.197 of 2015, subject to the conditions as
laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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