

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36234 of 2014

Arising Out of PS.Case No. -9 Year- 2014 Thana -SC/ST District- LAKHISARAI

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1. Yogendra Rai @ Jogi Rai, son of Sandeep Rai @ Sitaram Rai
2. Pradeep Kumar, son of Upendra Mahto @ Upendra Rai
3. Lato Rai @ Ashok Mandal , Son of Mahadeo Rai @ Dina Mandal
4. Amit Rai @ Amit Kumar, Son of Arvind Rai
5. Chhatish Rai @ Satish Kumar, Son of Late Radhey Shyam Rai
6. Shyam Rai @ Shyam Sundar Rai , Son of Brahmdeo Rai
7. Nitu Devi, wife of Lato Rai @ Ashok Mandal
8. Umesh Rai, son of Late Ram Narayan Rai.
All are resident of Village - Khalikpur Baulipar, P.S.- Surajgarha, District
- Lakhisarai. Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-04-2015

Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek anticipatory bail in connection
with SC / ST Lakhisarai P.S. Case No. 9 of 2014 registered for
the offences punishable under Sections 341, 323, 504, 506 read
with 34 of the Indian Penal Code and 3(1)(x) of the SC & ST
(Prevention of Atrocities) Act.

It has been contended that the petitioners are quite
innocent and though they have not committed any offence, much
less, the offence alleged in the FIR, particularly the offence under



the SC & ST Act, they have falsely been implicated in the present case as it would be evident from the FIR that the alleged occurrence is said to have taken place at about 11 p.m. in the night near the hut of the informant and nothing was done in public view. There is an admitted enmity between the petitioner Yogendra Rai @ Jogi Rai and the informant's father. A proceeding under Section 144 of the Cr. P.C. was drawn between the parties vide Case No. 254M of 2014. Apart from that, the petitioner Nitu Devi has filed Suranjgarha P.S. Case No. 119 of 2014 on 6th June, 2014 itself for the offences under Sections 341, 323, 354A, 354L, 452, 380 and 506 read with 34 of the Indian Penal Code against the informant and others as they had entered into her house and her husband protested, gun was put on his chest and then Hareram Yadav and the informant of the present case started teasing the petitioner Nitu Kumari and put chili powder in her eyes.

Learned counsel for the State has opposed the prayer for bail.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within a period of four weeks from today, let the petitioners, above named, be released on anticipatory bail on furnishing bail

bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with SC/ST Lakhisarai P.S. Case No. 9 of 2014 subject to the conditions as laid down under Section 438(2) Cr. P.C.



(Ashwani Kumar Singh, J.)

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