

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10780 of 2015

Arising Out of PS.Case No. -66 Year- 2014 Thana -SALKHUA District- SAHARSA

- =====
1. Devendra Singh S/o Sukho Singh
 2. Munna Singh
 3. Manoj Singh Both are sons of Shri S/O - Devendra Singh R/V - Rahimpur, P/S - Khagaria (Town), District - Khagaria Presently R/V - Chiraiya, P.S. - Salakhua, Distt. - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Smt. Sudha Ambastha
For the Opposite Party/s Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 20.03.2015 Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

The accusation against the petitioners is that they assaulted informant by means of **lathi**, rod and **khanti** and when informant's wife came to his rescue, petitioners tried to outrage her modesty and also humiliated informant and his wife by calling his caste name.

According to the prosecution case itself, alleged occurrence took place on account of cutting of grass from the field of petitioner no.1. The Investigating officer, having concluded investigation, submitted charge sheet for the offences punishable under sections 341, 323, 325, 504/34 of the IPC and section 3 (I) (X) of the SC/ST (Prevention of Atrocities)Act.

In my view, application of provision of section 3 (I) (X) of

the SC/ST (Prevention of Atrocities) Act in the facts and circumstances of the case appears to be doubtful. So far as rest sections are concerned, except section 325 of the Indian Penal Code all sections are bailable in nature.

Learned counsel for the petitioners submits that both parties have already compromised the case and compromise petition has already been filed before the court below.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also keeping in mind that section 325 of the Indian Penal Code is compoundable offence, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the above named petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Salakhua (Chiraiya OP) P.S. Case no. 66/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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