

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37800 of 2014

Arising out of PS.Case No. -283 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Birendra Singh @ Birendra Kumar, S/o Yadunandan Singh, R/O Village- Karwa, P.S. Naubadpur, District- Patna, Jamadar, P.S. Harsidhi, District- East Champaran.
 2. Ram Pramod Singh, S/o Late Rana Law Singh, Officer in-charge, Harshidhi P.S., District- East Champaran, Resident of Village- Ancha, P.S. Daudnagar, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav
Ms. Leelawati Kumari

For the Opposite Party/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 27-03-2015 Heard Mr. Gagandeo Yadav, learned counsel

appearing on behalf of the petitioners and learned counsel for

the State.

The petitioners apprehend their arrest in connection
with Complaint Case No.283 of 2013, Tr. No.1273 of 2014
registered for the offences punishable under sections 304 and
420 of the Indian Penal Code and the provisions of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as 'the Act').

Mr. Yadav, learned counsel appearing for the
petitioners submits that initially the complainant had instituted a

police case arising from Harsidhi P.S. Case No.40 of 2013 on account of accidental death of his son in a road accident.

It is stated that when the petitioner no.2 reached the place of occurrence where the dead body of the son of the complainant was lying that he faced a mob who started assaulting the police personnel which result in lodging of Harsidhi P.S. Case No.41 of 2013 against the villagers and the relatives of the complainant.

It is the contention of Mr. Yadav that as a retaliatory measure the complaint case in question has been instituted and the mischief of the complaint is reflected from the fact that even when he has instituted the police case regarding accidental death of his son earlier but he makes no mention about the same rather has charged the petitioners and other police personnels of atrocity when in fact it is pursuant to the police case instituted by the complainant himself that the petitioners with others had gone there for enquiry.

Having heard learned counsel for the parties and taking note of the circumstances existing, let the petitioners, namely, Birendra Singh @ Birendra Kumar and Ram Pramod Singh in the event of their arrest or surrender within four weeks from today be released on bail upon each of them furnishing bail

bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Complaint Case No.283 of 2013, Tr. No.1273 of 2014; subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

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