

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18938 of 2015

Arising Out of PS.Case No. -47 Year- 2014 Thana -SC/ST PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Surendra Sahni @ Surendra Sahani
2. Rajbal Sahani
3. Birbal Sahani All sons of Banduk Sahani
4. Banduk Sahani son of Late Sukhram Sahani
5. Babulal Sahani
6. Dasarath Sahani Both sons of Ghuran Sahani
All residents of Village - Koergawa, P.S. - Pipra, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-06-2015

Heard learned counsel for the petitioners.

Having regard to the nature of allegation for offence under Section 147, 341, 323, 504, 506 of the Indian Penal Code and Section 3(1), (i), (v), (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (S.C. & S.T. Act), this Court, taking into account the entire set of allegations as also the subsequent development of the parties trying to settle the matter outside the court as also keeping in view that the petitioners have got no criminal antecedent, would find the petitioners to be entitled for privilege of anticipatory bail only for this time. It is, however, made clear that if the petitioners are again made accused

for any of the offence under the SC/ST Act, they will not be entitled for grant of anticipatory bail.

Subject to the aforementioned condition and verification of the criminal antecedent, the petitioners, namely, Surendra Sahni @ Surendra Sahani, Rajbal Sahani, Birbal Sahani, Banduk Sahani, Babulal Sahani and Dasarath Sahani are directed to be released on bail on their surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari SC/ST P.S. Case No. 47 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and

would be taken into custody.

(iii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.

(iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(v) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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