

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22096 of 2015

Arising Out of PS.Case No. -30 Year- 2013 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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1. Sanjay Yadav @ Sanjay Kumar Yadav son of Girdhari Yadav
2. Girdhari Yadav son of Late Mushaharu Yadav
3. Hare Ram Yadav son of Girdhari Yadav
All residents of village Garhaipura, P.s. Kusheswar Asthan (Tilkeshwar
O.P.) District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Singh

For the Opposite Party/s : Mr. Pranav Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 09-07-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Kusheshwar Asthan P.S. Case No. 30 of 2013 was
registered for the offences punishable under Sections 3 (i) (x) of
S.C./S.T. (Prevention of Atrocities) Act and Sections 341, 323,
379, 447, 504/34 of the Indian Penal Code against the petitioners
and others. In course of investigation, petitioners were
apprehended by the police and they were released on police bail.
Furthermore, after completion of investigation, police did not find
the accusation true for the offences punishable under Sections 3 (i)
(x) of S.C./S.T. (Prevention of Atrocities) Act but the learned

court below took cognizance for the above stated offence also and accordingly, petitioners apprehend their arrest.

In my view, petitioners should surrender before the court of Sri Sudhir Sinha, Judicial Magistrate 1st Class, Biraul at Benipur, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 30 of 2013 within six weeks from today and if they do so, the concerned court shall pass appropriate order on the prayer of the petitioners keeping in mind the principle as laid down by a Bench of this Court in **Mahendra Singh vs. State of Bihar reported in 2004(3) PLJR, 491** as well as principle as laid down by this court in the case of **Kripanand Prasad @ Karu Yadav & Ors. vs. State of Bihar reported in 2008(3) PLJR, 268.**

Accordingly, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

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