

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24329 of 2015

Arising Out of PS.Case No. -19 Year- 2014 Thana -HARIJAN THANA District- SAMASTIPUR

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1. Ram Bali Mahto S/o Ram Khelawan Mahto
2. Mantun Mahto
3. Dharmendra Mahto, Both Sons of Chandra Shekhar Mahto
4. Laxami Mahto S/o Late Bhagwani Mahto
5. Chabhu Mahto S/o Basant Mahto All residents of Village- Jogiya, Police
Station- Bibhutipur, District- Samastipur Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in connection with S.C & S.T (Samastipur) PS case No. 19/2014 for the offence under section 307 and some other sections of the Indian Penal Code and Section 3(i) (x) of S.C. & S.T. Act.

The prosecution story, in brief, is that from south direction of house of informant there is a temple. On 17.3.2014 on the holi festival the informant and his sons were cleaning the temple, in the meantime, the petitioners and other accused persons variously armed came and started removing the Shalesh Bhagwan and on objection for removing bamboo and other articles kept by the accused persons petitioner No.2 exhorted to kill all the accused persons assaulted him and petitioner No.2 gave farsa blow on his

head causing injury and he fell down. The other accused persons also assaulted his son.

It has been submitted on behalf of the petitioners that accused side also sustained injuries in course of occurrence and the same has not been explained by the prosecution. Attention of the court has been drawn to the injury report which shows that injuries are simple in nature. Further, it has been submitted that the occurrence has not taken place in public view, hence, no case under section S.C. & S. T. Act is made out.

It has been submitted on behalf of the State that the petitioner is named in the first information report.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released on bail 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, Rosera, Samastipur in connection with SC & ST (Samastipur) PS case No. 19/2014, subject to condition as laid down under section 438(2) of the Cr. P.C.

(Sudhir Singh, J)

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