

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24389 of 2015

Arising Out of PS.Case No. -4 Year- 2014 Thana -SC/ST District- SAHARSA

- =====
1. Ganesh Yadav S/o Late Bijendra Yadav
 2. Santosh Yadav S/o Late Bijendra Yadav
 3. Nandan Yadav s/o Dukhi Yadav
 4. Chandan Yadav s/o Dukhi Yadav
 5. Surendra Yadav @ Surendra Prasad Yadav S/o Late Mishri Lal Yadav
 6. Gayanand Yadav S/o Late Nirdhan yadav All are resident of village- Belahi, P.S- Bihra, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2015

Head learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 147, 149, 341, 323, 354, 379, 384, 504, 504 and 506 of the Indian Penal Code and Section 3(i)(x)(xi) of SC/ST (POA) Act.

The informant has alleged that while she was taling in her courtyard then al of a sudden the FIR named accused persons by forming an unlawful assembly entered into her courtyard by hurling derogatory language and demanded Rangdari amount, then informant and her husband entered in the house to save their lives the accused Ganesh Yadav ordered to assault and

loot her modesty then Surendra Yadav forcibly caught her hair lock and got her down with ill motive, then the informant raised alarm and objected and they taken away cycle and fled away by giving threatening of dire consequences in the event of non payment of Rangdari tax.

It has been submitted on behalf of the petitioners that general and omnibus allegation has been made against the petitioners. It is further submitted that due to village politics the petitioners have falsely been implicated in the present case. Further, it is submitted that no offence has been taken place in public view for which SC/ST Act is attributed.

On behalf of the State, it has been submitted that there is specific allegation of assault against petitioner nos.1 and 5.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to petitioner no.1, Ganesh Yadav and petitioner no.5, Surendra Yadav @ Surendra Prasad Yadav. Accordingly, the prayer for anticipatory bail of petitioner no.1 and petitioner no.5 is rejected.

However, if the petitioner nos. 1 and 5 surrender in the court below within a period of four weeks in the court below and pray for regular bail, the same shall be considered on its own

merit without being prejudiced by this order of rejection preferably may be disposed of on the same day.

So far petitioner nos. 2,3,4 and 6 (Santosh Yadav, Nandan Yadav, Chandan Yadav and Gayanand Yadav) are concerned,, let they, 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 Sri Sanjeev Kumar II, Judicial Magistrate 1st Class, Saharsa, in connection with SC/ST (Saharsa) P.S.Case No.04/2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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