

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21299 of 2015

Arising Out of PS.Case No. -84 Year- 2013 Thana -GORAUL District- VAISHALI(HAJIPUR)

1. Dhirendra Kumar Pandey @ Dhirendra Pandey

2. Satyendra Kumar Pandey @ Satyendra Pandey,

Both Sons of Late Devendra Pandey

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-05-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 379, 304/34 of the Indian Penal Code and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is alleged that while a '*panchayat*' was going on in the premises of the Saraswati Shishu temple where informant and about 115 to 120 villagers were present and at time of pronouncement of final opinion by the punches all accused

persons along with others abused the informant and one Dharmendra Singh. On protest, co-accused Jitendra Pandey abused the informant by calling caste name and threatened to kill him. The accused persons also snatched gold chain and assaulted the informant.

It is submitted by learned counsel for the petitioners that the petitioners' side lodged the case with similar accusation prior to lodging of the present case being Goraul P.S. Case No. 83 of 2013 and on completion of investigation, the petitioners were chargesheeted under sections 341, 323/34 of the Indian Penal Code but differing with the Final Form cognizance has been taken under section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the filing of the case by the petitioners at earlier point of time and allegation under SC/ST act not found true during investigation, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each

with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Vaishali at Hazipur in connection with Garaul P.S. Case No. 84 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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