

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51415 of 2014

Arising Out of PS.Case No. -21 Year- 2013 Thana -SC/ST District- MADHUBANI

1. Bujhawan Mandal @ Sikatiya Mandal, Son of Late Rati Mandal.
2. Shanichar Mandal, Son of Bujhawan Mandal.
3. Jibachi Devi, Wife of Bujhawan Mandal.
All are resident of Village-Piporaun, P.S.-Harlakhi, District-Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das (SPL. PP.)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 30-04-2015

Heard learned counsel for the petitioners and

learned Special Public Prosecutor for the State.

The petitioners are accused in a case registered for the offences punishable under Sections 341, 323, 379 and 504/34 of the Indian Penal Code and 3 (i) (x) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act and seek anticipatory bail.

From the complaint petition, which is the basis of institution of the First Information Report, it appears that the accused persons allegedly assaulted the informant-complainant and abused her in filthy language by telling her caste name. It has also been alleged that the accused

persons snatched jewelry worth Rs. 10,000/- from near the hand-pump where the informant-complainant had gone to fetch water.

Learned counsel appearing on behalf of the petitioners has submitted that the occurrence is said to have been taken place on 10.03.2013 for which a complaint case was lodged on 05.04.2013 which creates serious doubts about the veracity of the prosecution story. He has further submitted that the prosecution story, as emerged in the complaint case, is highly improbable.

Learned counsel for the petitioners appears to be right in his submission that there is no allegation in the complaint petition that the occurrence took place in public view so as to constitute offence under the provisions of Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, as alleged in the complaint petition.

In view of the submission as above, let the petitioners, abovenamed, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) each with two sureties of the like

amount each to the satisfaction of **learned Chief Judicial Magistrate, Madhubani**, in connection with **SC/ST Madhubani P.S. Case No. 21 of 2013**, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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