

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23130 of 2014

Arising Out of PS.Case No. -204 Year- 2013 Thana -MADHEPURA District- MADHUBANI

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1. Anand Lal Sahu Son of Satyanarayan Sahu
2. Satyanarayan Sahu Son of Late Raghunah Sahu Both Resident of Village
- Mdhepur, P.S.- Madhepur, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 25-06-2015 This application is filed under section 438 Cr.P.C. with a prayer to grant anticipatory bail to the petitioners in connection with Madhepur P.S. Case No. 204 of 2013(G.R.No. 1347/2013) registered under sections 341, 323, 406, 504/34 I.P.C. and section 3(x) of the Scheduled Caste and Scheduled Tribe(Prevention of Atrocities) Act.

Apprehending their arrest, the petitioners filed A.B.P. No. 779 of 2013 in the court of Sessions Judge, Madhubani, and the trial court dismissed the same on 7-4-2014. Hence this application.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Normally the courts are loath to grant anticipatory bail where the offence against Scheduled Caste and Scheduled Tribe is alleged. In the instant case, even from a perusal

of the F.I.R., it is evident that the transaction between the informant, on the one hand, and the petitioner, on the other hand, was commercial in nature. It is the informant, who is said to have gone to the place of business of the petitioners, demanding a sum of Rs. 48,000/-. It is in relation to that, the petitioners are said to have scolded the informant with reference to his caste.

The record discloses that petitioner no.1 filed a complaint before the S.H.O., Madhepur(Annexure-2) against the informant well in advance alleging demand of money from him. This Court is satisfied that the petitioners deserve anticipatory bail.

Hence, the petition is allowed. In the event of arrest, the petitioners above named shall be enlarged 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, Jhanjharpur, Madhubani, in connection with Madhepur P.S. Case No. 204 of 2013(G.R. No. 1347/2013), subject to the conditions as laid down under section 438(2) Cr.P.C.

(L. Narasimha Reddy,CJ)

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