

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47660 of 2015

Arising Out of S.C./S.T. PS. Case No. -5 Year- 2015 Thana -SC/ST District- SHEIKHPURA

- =====
1. Sadhusharan Yadav Son of Late Ambika Yadav.
 2. Chhotu Yadav @ Tanikan Yadav.
 3. Bodhu Yadav.

Both sons of Sadhusharan Yadav All residence of Village - Jagdishpur,
P.S. Jairampur, District - Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4 04-11-2015

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

The petitioners apprehend arrest in Sheikhpura
S.C./S.T. P.S. Case No. 05 of 2015 dated 11.03.2015 instituted
under Sections 341/323/325/307/379/34 of the Indian Penal
Code and 3(R)(S) W(ii) of The Scheduled Castes and The
Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter referred to as the 'Act').

The allegation against the petitioners is of
assault by '*Lathi*' resulting in injury on the head of the
informant and others.

Learned counsel for the petitioners submit that
they belong to one family, petitioner no. 1 being the father and
petitioners no. 2 and 3 being his sons. It is submitted that due

to some legal and trivial dispute, there was scuffle and thus there is a case and counter case and both sides suffered injury. It is submitted that the petitioners have clean antecedent and petitioner no. 1 besides being aged is also 60% handicapped, in support of which he refers to Annexure-4 which is copy of the Disability Certificate. Learned counsel further submits that the father being so disabled it cannot be believed that he also took part in scuffle when already he has two grown up sons who are petitioners no. 2 and 3. It is submitted that no offence is made out under the Act.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that there is allegation of assault. However, he is not in a position to controvert that the same is general and omnibus.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner no. 1 be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in Sheikhpura S.C./S.T. P.S. Case No. 05 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

The prayer for anticipatory bail of petitioners no.

2 and 3 stands rejected.

However, in the event they surrender before the Court below and pray for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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