

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47045 of 2015

Arising Out of PS. Case No. -5 Year- 2015 Thana -CHAND District- BHABHUA (KAIMUR)

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1. Dhopan Yadav @ Ghopan Yadav Son of Gati Yadav,
2. Girija Devi wife of Dhopan Yadav @ Ghopan Yadav,
Both residents of village Kudi, P.S. Chand, District- Kaimur at Bhabua
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioners : Mr. Tribhuwan Narayan, Advocate
For the State : Mr. Ganesh Pd. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 30-10-2015 As prayed, learned counsel for the petitioners is permitted to make necessary corrections in paragraph 1 of the application in course of the day.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners apprehend their arrest for the offences alleged under Sections 354, 504, 509 read with Section 34 of the Indian Penal Code and Sections 3 (1) (x) (5) (1) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act registered in connection with Chand P.S. Case No. 05 of 2015.

4. It is submitted that the petitioners have been falsely implicated as evident from the fact that the first information report itself has been instituted after delay of two days on

28.01.2015 whereas the alleged occurrence took place on 26.01.2015. It is submitted that the petitioners, who are husband and wife, are over 60-62 years and having clean antecedents and accusations are highly improbable. It is further submitted that the offences alleged under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act are not made out against them being not in public place.

5. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Chand P.S. Case No. 05 of 2015, G.R. No.199/15, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vikash Jain, J)

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