

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56545 of 2015

Arising Out of PS.Case No. -160 Year- 2015 Thana -KUSHESHWARSTHAN District-
DARBHANGA

- =====
1. Rajendra Paswan son of Late Ram Swarup Paswan
 2. Sadanand Kumar Paswan @ Sadanand Paswan son of Rajendra Paswan
 3. Devanand Kumar Paswan @ Pramanand Paswan, Son of Rajendra Paswan, all are (Sl. No. 1 to 3), R/o Village- Khaliseen, P.s.- Kuseswar Asthan, District- Darbhanga
 4. Md. Javed son of Md. Gulam
 5. Md. Noor Alam @ Md. Noor Mohammad son of Md. Gulam
 6. Md. Tasweer son of Md. Gulam Rasul
 7. Md. Saghir @ Sageer son of Md. Gulam
 8. Md. Shamshad son of md. Gulam
 9. Md. Ekhlague son of Md. Mannan
- All are (Sl. No. 4 to 9), R/o village- Rampur Reota, P.s.- Kusheshwar Asthan, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 324, 325, 354, 380, 436, 429, 504 of the Indian Penal Code, 3/4 of the Prevention of Witch Craft Practices Act and 3(1) (x) of the S.C./S.T.(Prevention of Atrocities) Act.

The prosecution case is that the accused persons



came to the house of the informant variously armed and started abusing. Co-accused Md. Gulam (non-petitioner) called the informant as a Witch and Julum Paswan caught hold the hair of the informant and dragged her and fell down and assaulted her. Md. Manan forced her to drink execration then the petitioners made assault. It is specifically alleged that co-accused Jubin and Rajendra lit fire to the house of the informant and damaged grain and other articles worth Rs. 12,000/-.

It is submitted by the learned counsel for the petitioners that accusation either of assault or putting the house of the informant on fire is not specific against the petitioners. Petitioner nos. 1 to 3 are Scheduled Caste people, hence offence under Section 3(1) (x) of the S.C./S.T.(Prevention of Atrocities) Act is not made out and a case lodged by the petitioners side being Kusheshwar Asthan P.S. Case No. 159 of 2015 was registered on 18.05.2015 at 4.10 P.M., whereas the present case has been lodged on 18.05.2015 at 4.40 P.M.

Considering the case lodged by the petitioners side at earlier point of time and there is no specific accusation against these petitioners, moreover the petitioners belong to Scheduled Caste category, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand)

each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Biraul, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 160 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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