

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31502 of 2014

Arising Out of PS.Case No. -248 Year- 2013 Thana -BISFI District- MADHUBANI

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1. Raj Kumari Devi, Wife of Late Rambali Das @ Late Bali Das
 2. Sankari Devi, Wife of Mahesh Das
 3. Ganesh Das, Son of Late Rambali Das @ Late Bali Das
 4. Dinesh Das, Son of Late Rambali Das @ Late Bali Das All residents of village- Jagwan Tola Balbhinda, P.S.- Bisfi (Patauna), District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Md. Fahimuddin (App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 21-01-2015 Heard the learned counsel for the petitioners (1) Raj Kumari Devi (2) Sankari Devi, (3) Ganesh Das (4) Dinesh Das and the learned A.P.P. on behalf of the State.

The petitioners apprehend their arrest in G.R. No.2581 of 2013 / T.R.No.4333 of 2014 registered for the offences punishable under Section 341, 504, 323/34 of I.P.C. and 3(i)(x) of SC/ST Act, 1989.

The learned counsel for the petitioners submitted that initially the case was filed under the provisions of the Indian Penal Code. However, during the investigation, the prosecution party developed their case and the I.O. filed the chargesheet under

Section 3(i)(x) of the SC/ST Act. According to the learned counsel, there is counter case filed by the petitioners for the same occurrence against the prosecution party. The learned counsel further submitted that the Judicial Magistrate has taken cognizance under Section 3(i)(x) of the SC/ST Act who has got no jurisdiction to try the same.

Considering the above facts and circumstances of the case and the nature of allegation against the petitioners, I direct all the petitioners, in the event of their arrest / surrender within one month from today to the Court concerned, shall be released on bail on furnishing bail bonds of Rs.5,000/- (five thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Ist Class, Madhubani in connection with T.R. No.4333/2014(G.R. No.2581 of 2013) arising out of Bisfi (Patauna) P.S. Case No.248 of 2013, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

(Mungeshwar Sahoo, J)

Sanjeev/-

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