

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12877 of 2015

Arising Out of PS.Case No. -6 Year- 2013 Thana -SC/ST District- SITAMARHI

1. Sanjiv Sah son of Ramagya Sah
2. Anil Sah @ Anil Kumar Son of Ramagya Sah
3. Amiri Sah, son of Late Asharfi Sah
4. Indradeo Sah, son of Amiri Sah
5. Gauri Shankar Sah, son of Amiri Sah, All are resident of village- Jamua, P.s.- Bairgania, District- Sitamarhi

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.14975 of 2015

Arising Out of PS.Case No. -6 Year- 2013 Thana -SC/ST District- SITAMARHI

1. Ramagya Sah son of Amiri Sah Resident of Village - Jamua, P.S. Bairgania, District - Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

Appearance :

(In Cr.Misc. No.12877 of 2015)

For the Petitioners : Mr. Hans Lal Kumar

For the Opposite Party : Mr. Sadanand Paswan(Spl.Pp)

(In Cr.Misc. No.14975 of 2015)

For the Petitioner : Mr. Hans Lal Kumar

For the Opposite Party : Mr. Ambika Bhagat(Spl.App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-06-2015 Heard learned counsels for the petitioners and the State.

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 341, 452, 504 of the Indian Penal Code and Sections 3(i)(ii)(vi)(x) of the SC & ST (Prevention of Atrocities) Act.

It is alleged that petitioner Ramagya Sah came and asked the informant to remove the skin of the dead baby buffalo and on refusal of the same all the accused persons assaulted the informant and abused by calling caste name and threatened not to allow the informant to live in the village.

It is submitted by learned counsel for the petitioners that accusation was found false during investigation and petitioners were not sent up for trial but differing with the final form, learned Magistrate took cognizance under Sections 323, 448 of the Indian Penal Code and Section 3(1)(x) of the SC & ST (Prevention of Atrocities) Act. It is also submitted that accusation has been levelled in the background of land dispute. Moreover, admittedly the occurrence took place either in the house of the informant or at the house of the co-accused petitioner Ramagya Sah.

The statements have been made in para 3 of both the petitions that petitioners have no criminal antecedent.

Considering the fact that accusation was not found true by the investigating agency during investigation and the petitioners having no criminal antecedent, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief

Judicial Magistrate, Sitamarhi in connection with SC/ST P.S.
Case No. 6 of 2013, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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