

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37796 of 2014

Arising out of PS.Case No. -21 Year- 2014 Thana -SHYAMPUR BHATHA District- SHEOHAR

- =====
1. Mukesh Rai, son of Mohan Rai.
 2. Krishna Rai, son of Late Asharafi Rai.
 3. Mohan Rai @ Mohan Patel, son of Late Ganaur Rai @ Ganaur Patel (name of father has been wrongly described in the FIR as Late Ramphali Rai).
 4. Avinish Rai @ Sushant Rai, son of Late Prabhu Rai.
 5. Basanti Rai, son of Late Asharfi Rai.
 6. Awadhesh Rai, son of Late Prabhu Rai.

All are residents of village- Phulkaha, P.S.- Shyampur Bhatha,
District- Sheohar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 27-03-2015 Heard Mr. Ashhar Mustafa, learned counsel

appearing on behalf of the petitioners and learned counsel for

the State.

The petitioners apprehend their arrest in connection
with Shyampur Bhatha P.S. Case No.21 of 2014 registered for
the offences punishable under sections 147, 448, 341, 323, 337,
435, 338, 504 and 506 of the Indian Penal Code and the
provisions of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 (hereinafter referred to as
'the Act').

Learned counsel for the petitioners with reference to

the FIR submits that whereas the allegation set up in the FIR for constituting the offences punishable under the Penal Code are all bailable, the provisions of 'the Act' has been invoked merely to make the offence non-bailable. Learned counsel while making reference to the allegation in the FIR submits that as per the own saying of the informant the offence took place at his house and thus it is yet to be established whether it would constitute the offence under 'the Act'.

Having regard to the submission made by learned counsel for the petitioners, let the petitioners, namely, Mukesh Rai, Krishna Rai, Mohan Rai @ Mohan Patel, Avinish Rai @ Sushant Rai, Basanti Rai and Awadhesh Rai in the event of their arrest or surrender within four weeks from today be released on bail upon each of them 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, Sheohar in connection with Shyampur Bhatha P.S. Case No.21 of 2014 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

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