

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5701 of 2015

Arising Out of PS.Case No. -386 Year- 2013 Thana -FATUHA District- PATNA

Karu Prasad Son of Rajendra Prasad
Sudhir Prasad @ Sudhir Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Ambika Bhagat(Spl. P.P.)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 11-02-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Fatuha Police Station Case No. 386 of 2013 registered for the
offences punishable under Sections 341, 323, 379, 504/34, of the
Indian Penal Code and 3(1) (x) of SC/ST Prevention of Atrocities
Act.

It is obvious from perusal of the impugned order of
learned Sessions Judge, that the prayer of anticipatory bail of these
petitioners was rejected by Session Judge, Patna on the ground
that petition filed under section 438 of the Cr. P.C in the case of
SC/ST Prevention of Atrocities Act is not maintainable.

Admittedly, the present case was lodged after two
months of the alleged occurrence and later on, parties

compromised this case. Moreover, at para-10 of this petition, it has been mentioned that the informant is a drunkard and used to create nuisance, which was protested by the petitioners and others and that is the reason of filing of this false case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Patna city in Fatuha Police Station Case No. 386 of 2013, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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