

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10234 of 2015

Arising Out of PS.Case No. -388 Year- 2014 Thana -BIHTA District- PATNA

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1. Shankar Rai son of Late Budh Ram Rai
 2. Sunita Devi, wife of Shankar Rai, Both resident of village- Mohanpur Doghara, P.S. Bihta, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar @ Alok Kr Shahi

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-04-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323 and 427/34 of the Indian Penal Code and sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is alleged that the petitioners and others came variously armed, assaulted the informant, demolished the newly erected wall, assaulted the labour and mason and abused the informant by calling the caste name and threatened to set the house on fire.

It is submitted by the learned counsel for the petitioners that for the occurrence of 9.6.2014 the FIR was registered on

13.6.2014 which could reach to the court of the learned C.J.M. on 18.6.2014 which suggests that the FIR was registered by antedating. Admittedly, the occurrence took place within the premises of the informant which cannot be treated to be a place of public view. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the delayed lodging of the case and the accusation in the background of boundary dispute between the parties, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM, Danapur, Patna in connection with Bihta P.S. Case No. 388 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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