

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26951 of 2015

Arising Out of PS.Case No. -126 Year- 2015 Thana -RAMGARH District- BHABHUA (KAIMUR)

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1. Kanhaiya Tiwari
2. Ram Dular Tiwari
3. Dhanai Tiwari
4. Bashishth Tiwari
All 1 to 4 are son of Late Naresh Tiwari
5. Manoj Tiwari, Son of Kamlesh Tiwari
All are resident of Village- Narahan, P.S. Ramgarh, District- Kaimur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate.
For the Opposite Party/s : Mr. Sadanand Paswan (Spl. P.P.)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-07-2015 Heard both sides.

The petitioners, five in number, apprehend their arrest in a case under Sections 307 and other sections of the Indian Penal Code and Section 3(i)(s) of the SC/ST Act.

The informant made allegation that the petitioners came to block the drainage and when the informant protested, the petitioners assaulted the informant and others and also abused them. It is submitted that the informant does not belong to Scheduled Caste. He belongs to ‘Gond’ community which comes within ‘Extremely Backward Class’ in the State of Bihar. Therefore, no offence under section 3(i)(s) of the SC/ST Act is made out. All the injured persons got simple injuries, such as,

bruise and laceration.

Considering the facts aforesaid and the nature of allegation made against the petitioners and the fact that the occurrence took place on account of flow of drainage water, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate, Bhabhua (Kaimur) in Ramgarh P.S. Case No. 126/15, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Dilip/-

(Prabhat Kumar Jha, J)

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