

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32072 of 2015

Arising Out of PS.Case No. -23 Year- 2015 Thana -SC/ST P.S. District- NAWADA

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1. Lakhan Mistri son of Bisun Mistri
2. Uma Shankar Mistri Son of Lakhan Mistri
3. Bhagwan Mahto Son of late Bidhun Mahto
4. Gajadhar Mahto Son of late Karu Mahto
5. Mithilesh Prasad @ Mithilesh Mahto son of late Baldeo Mahto
6. Chandrika Sao son of late Ashok Sao
7. Kapil Sao son of late Babulal Sao
8. Bachu Prasad Son of Lakhan Mahto All are residents of Village -
Sachaul, P.S. Hisua, District Nawada. Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.
For the Opposite Party/s : Mr. Ambika Bhagat, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 14-08-2015 Heard learned counsel for the petitioners and learned
Assistant Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Nawada SC/ST P.S. Case No. 23 of 2015, disclosing offences under Sections 174, 323, 427 and 379 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

Learned counsel appearing on behalf of the petitioners submits that the case has been maliciously instituted nearly ten days after the date of occurrence. He further submits that evidently, civil dispute between the parties is the real reason, behind the institution of the present case. It has been stated in paragraph 3 of the application that the petitioners have no criminal

antecedent. Learned counsel for the petitioners appears to be right in his submission that on the basis of prosecution story, no offence, prima facie, under Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 is made out.

In view of the submission as above, this application is allowed.

Let the petitioners, above-named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Subir Kumar, learned Judicial Magistrate 1st Class, Nawada, in connection with Nawada SC/ST P.S. Case No. 23 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Vats/-

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