

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43302 of 2015

Arising Out of PS.Case No. -111 Year- 2012 Thana -KURSAKANTA District- ARRARIA

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1. Rajesh Jha,
2. Yugesh Jha,
3. Bhawesh Jha, All sons of Shivu Jha @ Shivkant Jha, Residents of
village- Doria, P.S.- Kursakanta, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 05-11-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners pray for anticipatory bail in a case registered under Sections 427, 435, 504, 506 and 34 of the Indian Penal Code and Section 3 (i) (x) of the SC/ST (Prevention of Atrocities) Act.

It is submitted by learned counsel for the petitioners that the provisions of SC/ST Act have been wrongly introduced with the sole purpose to deny the benefit of anticipatory bail to the petitioners as all the other Sections areailable. It is further submitted that the so-called taking Tribe's name is also not alleged against these petitioners, who had reached the spot at a later point of time. It is also submitted by learned counsel for the petitioners that the allegation of taking the Tribe's name is inside the house of

the informant and not at a public place. It is further submitted that the petitioners have no criminal antecedent. It is pointed out that remaining four accused persons have already been granted anticipatory bail by order dated 18.06.2015 passed in Cr. Misc. No.18907 of 2015.

On a consideration of the facts and circumstances of the case, it is directed that the petitioners (1) Rajesh Jha, (2) Yugesh Jha and (3) Bhawesh Jha, in the event of their arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in connection with Kursakanta P.S. Case No.111 of 2012, subject to the other conditions as laid down under Section 438 (2) of the Cr.P.C.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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