

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45733 of 2015

Arising Out of PS.Case No. -170 Year- 2014 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Bikky Kumar, Son of Late Ram Babu Thakur
 2. Awadhesh Singh, Son of Late Raghuni Singh
 3. Fakirchand Singh, Son of Bahadur Singh
 4. Bahadur Singh @ Ram BAhadur Singh, Son of Paltu Singh
 5. Rajdeo Singh Son of Ram Chandra Singh
 6. Navin Singh @ Navin Kumar, Son of Surendra Singh
- Petitioner nos. 1 and 2 are resident of Village- Hasanpur, Osti, P.S.- Mahua, District- Vaishali at Hajipur. Petitioner Nos. 3,4,5 and 6 are resident of village- Rasulpur Sti, P.S. Mahua, District- Vaishali at Haipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-10-2015 Heard Shri Dilip Kumar Roy, learned counsel for the
petitioners and learned Spl. P.P. for the State.

The petitioners apprehend their arrest in Mahua P.S. case No. 170 of 2014 for the offences under Section 147, 149, 447, 341, 323, 509 and 307 of the Indian Penal Code and under section 3 (v) (viii) (x) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

The prosecution case, as narrated by the informant, Tara Devi, is that on 18.05. 2014 her husband had gone for work and she along with her two sons and father-in-law were in the

house. The informant's children were taking meal, then Vikash Kumar, Hitesh Kumar, Golu Kumar and Birju Kumar took both sons of informant for taking bath in a pond. After an hour, son of the informant returned. At about 1:30-02:00 hours informant's son Sudhir Kumar went to Manja Pethiya to sell green chili. At about 7.00 Pm, Dhiraj Kumar, another son of informant went to Bhutnath Petihiya to take medicine for her, as there was pain in her chest, but he did not return then she started searching him. In course of search she came to know that Birju Kumar, who had gone for bath, died during taking bath and for the said incident villagers were assaulting the informant's son at the door of Naresh Thakur. The informant reached there and saw the accused Bikky Kumar, Sanjay Kumar, Rajesh Thakur, Khur-Khur Singh, Ram Nath Paswan, Munir Chand Kumar, Bahadur Singh, Rajdeo Singh and Navin Singh with 5-6 unknown persons were giving blow with fists and slapping her son by tying his both legs with rope with an intention to kill. Further, they hanged the informant's son on the well situated at the door of Naresh Thakur in her presence. The informant requested the villagers to leave her son and she is ready to obey their decision, on which they left her son. On 19.05.2014 at about 2:00 PM accused persons made Panchayati at the door of Naresh Thakur in which informant, along with her



husband, sons and father-in-law participated. Panches asked the informant to execute deed for 5 katha of land to Awadhesh Singh, father of deceased Birju Kumar, and leave the village. On request of informant's father-in-law, the Panches told her to execute deed for 3 katha of land only to be registered on 21.05.2014 and dead body of Birju Kumar was buried on 19.05.2014. All the accused persons came at the door of informant and has given threat to burn her house then she along with her entire family members left the house and are moving hither and thither. It is said that entire village is full of Kushwaha caste and the informant is alone member of Scheduled Caste and they with an intent of extortion are making false allegations and has made murderous attack upon the informant's family.

It has been submitted by learned counsel for the petitioners that they are innocent and there is some previous enmity between the petitioners and the informant and the present case is counter blast of earlier case filed by the petitioners bearing Mahua P.S. case No. 168 of 2014 in which husband and two sons of the informant are named accused persons. It has further been submitted by learned counsel for the petitioners that the petitioners have clean antecedent, which finds place at paragraph 3 of the petition. Further more, it has been submitted that no case under

section 3 (v) (viii) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is made out against the petitioners.

Under these circumstances, in case of arrest or surrender within a period of six weeks from today before the court below, the above named petitioners will 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 Chief Judicial Magistrate, Vaishali at Hajipur in Mahua P.S. Case No. 170 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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