

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47519 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -SC/ST District- SAHARSA

1. Md. Moti
2. Md. Kamruddin @ Md. Kalimuddin
3. Md. Rahamtullah, All sons of Sk. Injo @ Ijju All are resident of village-
Karhara, P.S.- Mahisi, District- Saharsa

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-11-2015 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and under Section 3 (i) (x) (x) of the SC/ST (Prevention of Atrocities Act) registered in connection with S.C./S.T. P.S. Case No. 21 of 2015.

3. It is submitted that the petitioners have been falsely implicated owing to village politics as the petitioner no. 1 is an elected Sarpanch under Mahisi Block, District Saharsa. The petitioners are own brothers who claim clean antecedents. The petitioner no. 1 who was an accused in



Mahisi P.S. Case No. 77 of 1986 under Section 396 of the Indian Penal Code has been acquitted in the said case. It is further submitted that there is land dispute between the parties and place of occurrence was the land which in fact belongs to the petitioner no. 3 in terms of Sale deed of 1993. It is further submitted that the offence under the SC/ST Act has not been made out as the alleged occurrence was not took place in public view.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri S. Kumar, learned Judicial Magistrate Ist Class, Saharsa in connection with S.C./S.T. P.S. Case No. 21 of 2015 subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) The petitioners shall cooperate with the investigation and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for

cancellation of bail.

(ii) The petitioners shall remain physically present as and when required during trial and in the event of failure on two consecutive dates, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

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