

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41504 of 2015

Arising Out of PS.Case No. -65 Year- 2014 Thana -GAYA HARIZAN District- GAYA

- =====
1. Bachchu Sharma Son of late Kishori Sharma
 2. Abhimanyu Kumar Sharma Son of Bachchu Sharma, both Resident of Village Ghusari Police Station Atri district Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL ORDER

2 16-10-2015

Heard learned counsel for the petitioners and the State.

Petitioners are apprehending their arrest in connection with a case registered for the offence under Sections 341, 323, 504, 354, 452/34 of the Indian Penal Code and Section 3(i)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as the Act).

It is submitted on behalf of the petitioners that perusal of the First Information report would indicate that informant has not been abused, as such, offence under Section 3(i)(x)(xi) of the Act is not made out.

Counsel for the State, however, pointed out that petitioners have also been prosecuted for the offence under Section 3(i)(x)(xi) of the Act and thereunder if the scheduled

caste/ tribes women is assaulted, the said offence is made out. In the present case, petitioners entered in her house and then assaulted her, as such, offence under Section x(i)(x)(xi) of the Act is made out.

I regret not to accept such submission. In view of the fact that informant having suffered no injury, prima facie, I am of the view that petitioners deserve grant of bail in the event of arrest.

Let petitioners above named surrender in the court below within four weeks from the date of receipt/ production of a copy of this order in the court below and thereafter they be released on bail on furnishing bail bonds of Rs. 5,000/- (Rs. Five thousand only) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in connection with SC/ST P.S. Case No. 65 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(V.N. Sinha, J.)

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