

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34182 of 2014

Arising Out of P.S. Case No. -13 Year- 2014 Thana - SC/ST P.S. District- SARAN

- =====
1. Ramjan (Ramjam) Miyan Son of Ali Akhtar Miyan Resident of Village - Kishunpur (Lauvar), Panditpur, P.O. and P.S. - Janata Bazar and the Distt. - Saran.
 2. Jan Mohamad Miyan Son of Ali Akhtar Miyan Resident of Village - Kishunpur (Lauvar), Panditpur, P.O. and P.S. - Janata Bazar and the Distt. - Saran.
 3. Firoj Miyan @ Firoj Ansari Son of Ali Akhtar Miyan Resident of Village - Kishunpur (Lauvar), Panditpur, P.O. and P.S. - Janata Bazar and the Distt. - Saran.
 4. Subhan Miyan @ Subhan Ansari Son of Ali Akhtar Miyan Resident of Village - Kishunpur (Lauvar), Panditpur, P.O. and P.S. - Janata Bazar and the Distt. - Saran.
 5. Samim Miyan @ Samim Ansari Son of Ali Akhtar Miyan Resident of Village - Kishunpur (Lauvar), Panditpur, P.O. and P.S. - Janata Bazar and the Distt. - Saran.
 6. Manan Miyan Son of Ramjan Miyan Resident of Village - Kishunpur (Lauvar), Panditpur, P.O. and P.S. - Janata Bazar and the Distt. - Saran.
 7. Guddu Miyan Son of Late Taj Miyan Resident of Village - Kishunpur (Lauvar), Panditpur, P.O. and P.S. - Janata Bazar and the Distt. - Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 10-02-2015 Heard learned counsel for the petitioners, learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioners, seven in number, apprehend their arrest in a case registered under Sections 147, 341, 323, 504, 379 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant alleged that petitioner no. 1 Ramjam Miyan got a sale deed executed after intoxicating him. The informant also filed a title suit. A proceeding under Section 144 Cr.P.C. is also going on. The informant further alleged that the accused persons were harvesting the crops and when the informant went, the accused persons abused the informant by naming his caste and also assaulted him.

Learned counsel for the petitioners submits that on account of land dispute, the informant lodged this case making false allegation of abusing the informant by naming his caste. It is further submitted that the informant himself executed the sale deed (Annexure-2) with regard to the land and thereafter took a plea that he did not execute the sale deed although the informant was present at the time of registration and his photograph was also taken on the sale deed.

On the other hand, learned counsel for the informant has submitted that offence under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is

made out which created a bar for an application under Section 438 Cr.P.C.

On perusal of the record, it appears that, of course, the informant has made allegation against the petitioners that they abused the informant by naming his caste but the genesis of the case is that the informant himself executed the sale deed and thereafter started disputing the genuineness of the sale deed. A proceeding under Section 144 Cr.P.C. is also going on but the informant tried to dispossess the petitioners.

Considering the facts aforesaid, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Anchal Divedi, Judicial Magistrate, 1st Class, Chapra, Saran in SC/ST P.S. Case No. 13/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--