

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39847 of 2014

Arising Out of PS.Case No. -43 Year- 2014 Thana -GAYA HARIZAN District- GAYA

- =====
1. Kiran Devi Wife of Guni Yadav
 2. Guni Yadav Son of Late Lohari Yadav, resident of Village–
Chhathawan, Police Station- Tekari, District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mr. Ramshankar Das (Spl. PP)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 13-03-2015 Heard the parties.

The two petitioners apprehend their arrest in connection with S.C./S.T. Gaya P.S. Case No. 43 of 2014 registered for offence punishable under Sections 147, 148, 149, 323, 379, 504 and 306 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act ¾ of the Dowry Prohibition Act (hereinafter referred to as the ‘SC/ST Act’).

Mr. Umesh Kumar, learned counsel appearing on behalf of the petitioners with reference to the allegation in the FIR present at Annexure-1 has submitted that the nature of allegations made in the FIR does not constitute any offence punishable under the provisions of the SC/ST Act and this matter is yet to be

adjudicated upon by the court below. He submits that it is specifically alleged that the informant was abused in her residence and not in a public place. Insofar as the other allegations under the Panel Code are concerned, he submits that except for the offence punishable under Section 379, the other allegations are bailable. He further submits that the allegation of offence punishable under Section 379 is ornamental and has been doubted during the course of investigation.

Having heard learned counsel for the parties and taking note of the allegations set out in the FIR, let the petitioners, namely, (1) Kiran Devi and (2) Guni Yadav in the event of their arrest or surrender before the court below within four weeks from today be released on bail upon each one of them individually furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Gaya in connection with S.C./S.T. Gaya P.S. Case No. 43 of 2014 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

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