

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46643 of 2014

Arising Out of PS.Case No. -237 Year- 2014 Thana -PALIGANJ District- PATNA

- =====
1. Rajiv Ranjan S/o Akhilesh Kumar @ Akhilesh Sharma R/o village- Khapura, P.S. + P.O.- Paliganj, District- Patna.
 2. Sri Kant Yadav, S/o Dineshwar Yadav, R/o village – Khapura, P.S. + P.O.- Paliganj, District – Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.48352 of 2014

Arising Out of PS.Case No. -237 Year- 2014 Thana -PALIGANJ District- PATNA

- =====
1. Mahesh Yadav S/o Nand Gopal Yadav
 2. Niraj Kumar S/o Vijay Singh
- Both Resident of Village Khapura, P.S. + P.O. Paliganj, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.46643 of 2014)

For the Petitioner/s : Mr. Prakritita Sharma

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.Pp)

(In Cr.Misc. No.48352 of 2014)

For the Petitioner/s : Mr. Prakritita Sharma

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 20-04-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under

Sections 341, 354, 379 of the Indian Penal Code and 3(1)(x) of SC/ST (Prevention of Atrocities) Act.

It is alleged that petitioner Mahesh Yadav asked the informant to cast vote in favour of petitioner Niraj Kumar during PACS election. On protest being made petitioner Niraj Kumar forced her and when her husband came to rescue then petitioner Mahesh Yadav threatened the husband of the informant and petitioner Niraj Kumar took out Rs.2,000/-. It is further alleged that on alarm being raised petitioners Rajiv Ranjan and Sri Kant Yadav abused the informant by calling caste name and gave life threatening.

It is submitted by learned counsel for the petitioners that for the occurrence of 21.10.2014 at about 10.00 P.M. the FIR was registered on 22.10.2014 at 9.15 A.M. The FIR was reached to the court of learned SDJM on 27.10.2014 which suggests that the FIR was registered by ante-dating. The opening line of the First Information Report suggests the name of the husband of the informant as Vishwanath Paswan, but in the bottom of the FIR the name of the husband has been given as Mahesh Yadav, who is accused in the present case. There is counter version of the occurrence also and as per the own admission of the informant the occurrence took place at the

door of the informant which cannot be treated to be a place of public view.

A statement has been made in para 3 of both the petitions that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Danapur in connection with Paliganj P.S. Case No. 237 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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