

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44817 of 2015

Arising Out of PS.Case No. -58 Year- 2015 Thana -BHAGWANGANJ District- PATNA

1. Shiv Prasad son of Ramprit Yadav and

2. Channa Kumar son of Shiv Prasad

Both are resident of village Sarfabad Baliari P.S. Bhagwanganj Dist. Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 14-10-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend arrest in Bhagwanganj P.S.
Case No. 58 of 2015 dated 13.08.2015 instituted under Sections
341/504/323 of the Indian Penal Code and 3(1) (x) of The
Scheduled Castes and The Scheduled Tribes (Prevention of
Atrocities) Act, 1989.

The allegation against the petitioners is of assault and
also use of abusive language.



Learned counsel for the petitioners submits that no case is made out under the SC/ST Act since as per the FIR itself, there was nobody present when the incident occurred and as soon as the villagers started coming, the petitioners are said to have run away. Learned counsel submits that the allegation is not believable since there was no occasion for them to commit the crime for the reason that if the informant was not ready to do the planting work, the same could have been done using other labourers. It is submitted that the FIR itself was lodged after three days at the behest of inimical persons to the petitioners and the informant being an illiterate had put her thumb impression on a blank paper. It is submitted that she has filed a petition before the court below stating such fact. It is further submitted that the petitioners are father and son and have clean antecedent.

Learned A.P.P. submits that there is allegation of assault. However, he is not in a position to deny the fact that the incident did not occur in public view.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the

like amount each to the satisfaction of the learned concerned
Judicial Magistrate, 1st Class, Masaurhi, Patna in Bhagwanganj
P.S. Case No. 58 of 2015, subject to the conditions laid down in
Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

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