

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30188 of 2015

Arising Out of PS.Case No. -4 Year- 2014 Thana -SC/ST PS District- DARBHANGA

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1. Md. Shamsuzzoha @ Tara son of Late Nazmul Hoda
2. Md. Sabir @ Sabir Hussain, son of Ajamat Hussain
3. Md. Akbar, son of Late Md. Yakoob
4. Md. Kaushar, son of Md. Akbar
All residents of village – Arai, P.S. Simari, District Darbhanga.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava
For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 04-08-2015 Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners apprehend their arrest in connection with Darbhanga SC/ST P.S. Case No. 04 of 2014 registered for the offences punishable under Sections 147, 341, 342, 323, 379 and 504 of the Indian Penal Code and Section 3 (i)(x) of the SC/ST Act.

Learned counsel for the petitioners submits that petitioners are labourers, who had been detained by the land owner to cut the tree, located in his land. It is further submitted that the informant side protested the same and when petitioners answered them that they were acting merely on the instruction of the land owner, the informant in order to take revenge, has lodged the present case and has also brought Sections of SC/ST of the Act, stating that they abused

the informant by using his caste name. It is further submitted that admittedly, occurrence took place at the private property of the land owner and not in public place so as to attract the provision of SC/ST Act as the same has been brought only to make the offence of grave nature.

Considering the aforesaid submissions and also the fact that petitioners have explained the earlier criminal antecedents at paragraph-3 of the application, in which, he has drawn the attention of the court that several cases instituted against them have either compromised or have ended into acquittal, let the petitioners above named, in the event of their arrest or surrender before the Court below within a period of three weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga in connection with Darbhanga SC/ST P.S. Case No. 04 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Anjana Mishra, J)

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