

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37745 of 2015

Arising Out of PS.Case No. -7 Year- 2013 Thana -SC/ST District- SEKHPURA

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1. Shambhu Mahto Son of Late Dwarik Mahto
2. Pradeep Mahto Son of Late Dwarik Mahto

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-09-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 342, 504, 506, 379, 384/34 of the Indian Penal Code and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that the accused persons abused the informant by calling caste name, demanded extortion of Rs.20,000/- and made the informant naked while assaulting him. It is further alleged that the co-accused Shiv Kumar tried to strangle the informant whereas the petitioners snatched Rs.7,000/- and wrist watch.

It is submitted by learned counsel for the petitioners

that the accusation has been levelled in the background of land dispute. A proceeding under section 144 Cr. P.C. was initiated due to dispute between the parties. Earlier the petitioners' side lodged Complaint Case No.88C of 2013 against the informant. Moreover, the informant has retracted from initial version and has filed a petition to that effect before the learned court below, the same has been brought on record as annexure-4 to the supplementary affidavit. A statement has been made in paragraph 3 of the petition 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 arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Sheikhpura in connection with Sheikhpura SC/ST P.S. Case No.7 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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