
- Versus

.... Opposite Party/s

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

2 13-10-2015

The petitioners apprehends arrest in Awtar Nagar P.S. Case No. 73 of 2015 dated 24.07.2015 instituted under Sections 147/148/149/341/323/324/307/448/379/504 of the Indian Penal Code and Section 3(1) (x) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'Act').

Learned counsel for the petitioners submits that



the incident occurred on account of the informant and her family members forcibly trying to dig the land of the petitioners for which there is also a counter case. It is submitted that the counter case is Awtar Nagar P.S. Case No. 70 of 2015 dated 20.07.2015, whereas the present case is Awtar Nagar P.S. Case No. 73 of 2015 dated 24.07.2015 and the date of occurrence in both the F.I.Rs. is the same i.e. 19.07.2015. It is submitted that against the petitioners, there is only general and omnibus allegation of assault and abuse whereas against other two co-accused, who are not petitioners herein, it is specific of inflicting knife blow and spear blow and even in Awtar Nagar P.S. Case No. 70 of 2015, there is allegation of spear blow on the body of one of the victims. Learned counsel submits that the incident neither taking place in public view nor with the intention to humiliate any member of the Scheduled Castes and Scheduled Tribes and basically on account of dispute relating to land cannot be said to be an offence under the Act. It is further submitted that the whole family has been implicated in the present case and the petitioners have no criminal antecedent.

Learned A.P.P. and learned counsel for the informant oppose the application and submit that the petitioners assaulted and also abused the informant and her family members and did not deserve anticipatory bail. However, they are not in a position to counter the fact that there is a counter case earlier in time and that against the petitioners there is no

specific overt act alleged.

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 Chief Judicial Magistrate, Saran at Chapra in Awtar Nagar P.S. Case No. 73 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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