

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45182 of 2015

Arising Out of PS.Case No. -219 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Jamuna Prasad, Son of Lae Bhola Prasad
 2. Shyam Kumar, Son of Jamuna Prasad
 3. Prabha Devi, wife of Jamuna Prasad
 4. Sajni Devi, W/o Ajay Gupta, D/o Jamuna Prasad
 5. Khusboo Devi, W/o Bipendra Ram, D/o Jamuna Prasad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, 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 03-11-2015 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, 324, 504/34 of the Indian Penal Code and section 3(1) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that the informant and his nephew, who were working as labourer in the vegetable shop of Ganga Prasad, were taking meal in the house of Ganga Prasad

when the accused persons including the petitioners came, abused and assaulted the informant by calling caste name. It is alleged that co-accused Mangal assaulted with knife to the informant causing injury on his left eye brow. On alarm being raised the accused persons fled away.

It is submitted by learned counsel for the petitioners that the informant is non-else than the domestic helper of Ganga Prasad, who is elder brother of petitioner no.1 with whom Title suit No.298 of 2012 is pending, who has set up the informant to lodge this case. The accusation is not specific against the petitioners. Moreover, as per own admission of the informant the occurrence took place in the house of brother of petitioner no.1, hence, it cannot be treated as public view and at earlier point of time, the petitioners' side lodged Katihar (Town) (Sahayak) P.S. Case No.218 of 2015. It is further submitted that for the occurrence of 14.04.2015, at 15.00 pm, the FIR was registered on 15.04.2015 at 16.40 pm.

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, Katihar in connection with Town(Sahayak) P.S. Case No.219 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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