

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49018 of 2014

Arising Out of PS.Case No. -35 Year- 2014 Thana -HARIJAN THANA District- SAMASTIPUR

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1. Phool Jha Son of Late Upendra Jha
 2. Mahendra Jha Son of Krishna Deo Jha
 3. Rahul Jha @ Rahul Kr. Jha
 4. Vedanand Jha @ Ved Narayan Jha Son of Late Upendra Jha All resident of Village - Kharsand East, P.S. - Kalyanpur, District - Samastipur (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha, Advocate

For the Opposite Party/s : Mr. Ramshankar Das(Spl.Pp)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 23-04-2015 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in Scheduled Caste & Scheduled Tribes P.S. Case No. 35 of 2014, registered for the offences punishable under Sections 341, 323, 354, 504, 506/34 of the Indian Penal Code and 3(1) (x) of the S.C./S.T.(Prevention of Atrocities) Act.

Learned counsel for the petitioner submits that the petitioners are innocent and have been falsely implicated in the present case only on account of the fact that the informant side had been the aggressors and that the petitioners had lodged a case prior to them, there is case and counter case between the parties. It is further submitted that the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act has no application in the present

case as the occurrence admittedly took place within the premises of the informant and not at a public place.

Considering the aforementioned submissions and also the nature of allegations made in the First Information Report, let the above named petitioners, in the event of their arrest or surrender before the court below within a period of two weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Samastipur in connection with S.C. & S.T. P.S. Case No. 35 of 2014, subject to the conditions as laid down under Section 438(2) of the Indian Penal Code.

(Anjana Mishra, J)

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