

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49714 of 2014

Arising Out of PS.Case No. -109 Year- 2009 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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1. Kamleshwar Singh @ Kameshwar Singh and Ors. S/o Late Laxmi Singh
2. Ajay singh S/o Mohan singh
3. Vikash Singh S/o Kameshwar All are Resident of village - Sahsi Jagirahana, P.S. Pipra, Dist. - East Champaran

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Mr. Ambika Bhagat(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-04-2015 The petitioners are apprehending their arrest in connection with Pipra P.S.Case No. 109/2009 instituted under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Section 3(1)© of SC/ST (POA) Act.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that the informant, Mahendra Ram, has lodged an FIR against the petitioners along with co accused Sanjay Sah. In the FIR it is stated that the informant is tractor driver of one Chandrika Prasad. On the date of occurrence the informant was filling soil by tractor and during course of backing the tractor, the house of the petitioner-accused Kameshwar Prasad was touched but no damage was caused. The



petitioner- Kameshwar Singh became angry and started abusing to the informant in filthy language referring words “ Sala Chamar”. In the meantime, other accused persons came there and started abusing to the informant and caused assault to informant by kick and fat on the tractor. During that course petitioner- Ajay Singh took out Rs. 5000/- from the pocket of the informant which was given to him by his owner to fill diesel in tractor and to give wages of labourers. Accused persons got down the informant from tractor and they had gone away with the tractor.

It is stated on behalf of the petitioners that there is a case and counter case. Counter case is Annexure 2 to the present application. Further it has been submitted that the provision of SC/ST is not attracted as the same has not taken place in public view. It is also submitted that that the matter has been compromised between the parties and the compromise petition is Annexure 3 to the present application.

On behalf of the State, it is submitted that the petitioners are named in the FIR and there is specific role assigned by them.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released 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 learned
C.J.M., Motihari, in connection with Pipra P.S.Case No. 109/2009,
subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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