

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56368 of 2015

Arising Out of PS.Case No. -37 Year- 2013 Thana -ST/SC (HARIJAN) District- BHABHUA
(KAIMUR)

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1. Sachchita Jee @ Sachchita Nand Singh @ Sachchida Jee @ Sachchidanand Singh S/o Late Nagina Yadav.
2. Sokharu Kushwaha @ Sukhadu Kushwaha @ Sukharu Kushwaha S/o Sri Shesh Nath Kushwaha, Both Petitioner No.- 1 and 2 are Resident of Village- Purani Court Ainwati, P.S.- Nuaon, District- Kaimur. But wrongly Mentioned in F.I.R. as Resident of Village Gorasara, P.S.- Nuaon, District- Kaimur(Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishor Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2015 Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323 and 504/34 of the Indian Penal Code and Section 3 (I) (X) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case is that the informant enquired from petitioner no.1 being the husband of Panchayat Mukhiya about construction of Angan Barhi Centre for which some hot exchange took place between the parties when petitioner no.1 abused the informant by calling caste name and petitioner no.2 Sokharu assaulted with lathi to the informant.

It is submitted by learned counsel for the petitioners that in the background of political rivalry, the accusation has been levelled. On conclusion of the investigation, the petitioners were not sent up for trial but differing with the final form cognizance was taken on 09.09.2015.

It is submitted by learned counsel for the informant that the accusation is specific and learned Magistrate after finding prima facie case took cognizance against the petitioners, hence the petitioners' anticipatory bail application is not maintainable.

Considering the genesis of accusation and the petitioners being not sent up for trial, 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 C.J.M., Bhabhua in connection with Bhabhua SC/ST P.S. Case No. 37 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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