

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16041 of 2015

Arising Out of PS.Case No. -483 Year- 2014 Thana -DALSINGHSARAI District- SAMASTIPUR

1. Mukesh Kumar Choudhary @ Mukesh Choudhary,
2. Mukund Choudhary @ Mukul Kumar Choudhary,
Both are sons of Jagdish Choudhary, Resident of Village - Bhatgama,
Police Station - Dalsingh Sarai, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Zainul Abedin(App)

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 03-09-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

By filing the present application under section 438 of
the Code of Criminal Procedure, the petitioner seeks pre-arrest
bail in connection with Dalsing Sarai P.S. Case No. 483 of 2014
registered for the offences punishable under sections 341, 354,
504, 323 read with 34 of the Indian Penal Code and 3(1)(x) of the
Scheduled Castes and the Scheduled Tribes (Prevention of
Atrocities) Act, 1989.

Learned counsel for the petitioners submits that due
to ongoing land dispute the informant is in the habit of instituting
false cases. She is contesting one more case against the petitioners

before the Bihar Land Disputes Resolution Act. The entire allegations made in the FIR are false and frivolous.

On the other hand, learned counsel for the State submits that though there may be exaggeration in the FIR, the ingredients of the offence punishable under section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are attracted and in that view of the matter, the application under section 438 of the Code of Criminal Procedure should not be entertained.

Without going into the merit of the case, I dispose of the application with liberty to the petitioners to surrender before the court below and seek bail. In case such an application is filed within a reasonable time, the learned Magistrate shall consider all the arguments available to the parties and pass appropriate orders in accordance with law, without being prejudiced in any manner by the present order passed by this Court.

(Ashwani Kumar Singh, J)

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