

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48011 of 2015

Arising Out of PS.Case No. -56 Year- 2015 Thana -NARAINPUR District- BHOJPUR

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1. Shiv Kumar Singh @ Sheo Kumar Singh Son of Lae Mahesh Singh
2. Shailesh Singh, son of Dudhnath Singh
3. Achhaibar Singh, son of Brijanand Singh
4. Rajoo Singh @ Raju Kr. Singh, Son of Ramnath Singh
5. Rabindar Singh, Son of Late Hardeo Singh
6. Dharmendra Singh @ Mukhia, Son of Late Nirbhay Singh
7. Sharmanand Singh, Son of Late Shivrnanand Singh
8. Kamal Narayan Singh, Son of Parmansh Singh
9. Ranjit Singh, son of Shiv Kumar Singh
10. Hari Singh, Son of Shiv Kumar Singh
11. Kanhaiya Singh, son of late Moti Raj Singh, All residents of village +
P.O.+ P.S.- Narayanpur, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-10-2015 Heard learned counsel for the petitioners Mr. Arun Kumar
and learned A.P.P. for the State.

The petitioners apprehend arrest in connection with Narayanpur P.S. Case No. 56 of 2015 registered for offences punishable under Sections 186,342,353,143 of the Indian Penal Code and 3(i) (x) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case as narrated by the Officer-in-charge of Narayanpur Bazar police station in short is that on 04.08.2015 at about 10.30 A.M he received an information that at 08.20 A.M on



04.08.2015, under the leadership of Shiv Kumar Singh 30-40 persons have blocked the Ara-Sahar main road on account of death of two persons in the night of 30.07.2015, as a result of which the transportation system hampered. On this information he proceeded at the place of occurrence along with other armed forces. He saw that the main road had been blocked. He then tried to ease the people who had blocked the road at which they became angry and started abusing by taking caste name and even tried to assault the police force. Seeing the situation over there the police force had to leave. It was then alleged that the information with regard to aforesaid occurrence was given to various superior police officials and as per the order of the superior officials the police force from different police stations came and tried to resolve the issue. However, the accused persons and others did not become ready. At about 4.00 P.M. when S.D.P.O Piro reached at the place of occurrence then at his instance the road was cleared at 04.30 P.M. The villagers tried to attack/destroyed several vehicles. It has lastly been alleged that the occurrence has done by these accused persons.

It has been submitted by the counsel for the petitioners that nearly 30-40 persons had blocked Ara-Sahar Main road on account of death of two persons occurred in the night of

30.07.2015 for which the petitioner no. 1 had lodged an FIR before the police for taking action against the death of two persons. It has further been submitted that the allegations of not taking action by the police has been countered by lodging the present case. It has further been alleged that no specific overt act has been leveled against the petitioners and the allegations are general and omnibus. No case under Section 3(i) (x) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act is made out. It has further been submitted that they had clean antecedent which finds place at Para 3 of this petition.

In such circumstances, let the petitioners, above named, in the event of his arrest / surrender within a period of six weeks from today before the Court below, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bhojpur at Ara in connection with Narainpur P.S. Case No. 56 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Nilu Agrawal, J)

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