

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7182 of 2016

Arising Out of PS.Case No. -82 Year- 2015 Thana -SC/ST District- SITAMARHI

1. Nand Kishore Sah
2. Manoj Sah.
3. Khushi Sah.
Petitioner nos. 1 to 3 are Sons of Vishwanath Sah.
4. Brij Kishore Sah @ Brij Kishore Pd. Son of Late Jainath Sah.
5. Naresh Sah Son of Late Jai Nath Sah.
All are Resident of Village- Kishanpur, P.S.- Bathanaha, P.S- Sitamarhi,
District:- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha
For the Opposite Party/s : Mr. Ambika Bhagat(Spl.Pp)
For the Informant : Mr. Hanslal Kumar

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 06-05-2016 Heard learned counsel for the petitioners, informant
and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection
with Sitamarhi SC/ST P.S. Case No. 82 of 2015 for the
offences registered under Sections 147, 341, 323, 324, 325, 436,
379, 504 and 506 of the Indian Penal Code and Section 3 (i)
(x) (xi) of the SC/ST (prevention of atrocities) Act.

Learned counsel for the petitioners submits that there
is history of litigation between the parties and both the parties
have instituted a case for the same occurrence on the same date.
It is further submitted that both the parties have also sustained



serious injuries on account of altercation between them. It is further submitted that petitioner no. 4 had lodged a prosecution against the father of the informant under section 307 of the Indian Penal Code and the informant was trying to put pressure on the petitioners and his family to withdraw the same. In the present case also similar allegation has been made that the petitioners were pressurizing the informant to withdraw the SC/ST Act Case No. 25 of 2015 and on denial by the petitioners, the petitioner attacked the informant and set his house on fire.

Be that as it may, it appears from the FIR also that a counter case bearing Bathanaha P.S. Case No. 269 of 2015 and the present case, occurrence are of the same date and the time was given by the petitioners is 8 a.m. whereas informant has given the time as 11 a.m. So far as the allegation under the relevant provisions of the SC/ST Act is concerned, it appears that occurrence took place which is just outside the house of the informant and not in public view and therefore, the stringent provision of Section 3(x) of the SC/ST (Prevention of Atrocities) Act would not be attracted.

In view of the aforesaid facts and circumstances of the case and also the fact that both the sides have sustained injuries, let the petitioners, above named, in the event of their arrest or

surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released 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 Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 82 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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