

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26409 of 2016

Arising Out of PS.Case No. -17 Year- 2015 Thana -SC/ST District- SAHARSA

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1. Arjun Malakar
2. Laxman malakar
3. Nakul Malakar
4. Bhim Malakar
5. Bharat Malakar
6. Shatrughan Malakar All son of Meletari malakar.
7. Dilip Malakar Son of Laxman Malakar
8. Annu Kumar Singh Son of Kaushal Narayan Singh All resident of
Village- Gandhipath ward no. 10 PS Saharsa Distt Saharsa.
.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Ambika Bhagat

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-07-2016 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in a case registered for the offence punishable under sections 147, 149, 341, 323, 379, 504, 506, 384 of the Indian Penal Code and section 3(i)(iii)(x) of the SC/ST Act.

Prosecution case is that on 8.4.2015 at 10:00 PM the accused persons came on the road in front of the house of the informant and started abusing. On protest being made on the order of Arjun Malakar, Annu Kumar Singh and Laxman Malakar snatched 2000/- rupees from the pocket of the informant and assaulted him. It is also alleged that the petitioner Annu Kumar

Singh and Arjun Malakar threatened the informant and called his caste name.

It is submitted by the learned counsel for the petitioners that for the occurrence of 8.4.2015 at 10:00 PM the First Information Report was registered on 16.4.2015 and there is no explanation for such delay in registration of the F.I.R. The petitioner Annu Kumar Singh lodged Saharsa Sadar P.S. Case No. 261/2015 with the accusation for the offence under sections 144, 341, 323, 384, 379, 504 of the Indian Penal Code against the informant and others and the said case was registered on 8.4.2015. Hence, as a retaliation measure malicious accusation has been levelled. Admittedly the occurrence took place at the house of the informant, which is in front of the road.

It is submitted by Mr. Ambika Bhagat, learned counsel for the State, that on conclusion of investigation the petitioners have been charge sheeted under sections 147, 149, 341, 323, 385, 504, 506 of the Indian Penal Code and section 3(i)(iii)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

In view of delayed lodging of the F.I.R. and the case lodged by the petitioners' side at the earlier point of time, it is a case for consideration of the prayer for regular bail.

Let the learned court below consider the prayer for regular bail of the petitioners, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with SC/ST P.S.Case No. 17/2015 pending in the court of Chief Judicial Magistrate, Saharsa.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

Surendra/-

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