

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.730 of 2016

Arising Out of PS.Case No. -56 Year- 2015 Thana -ST/SC (HARIJAN) District- BHABHUA
(KAIMUR)

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1. Munna Singh @ Kedar Singh Son of Ram Belash Singh,
2. Ram Belash Singh, Son of Late Phekan Singh, Both resident of village
Parmalpur, P.S. bhagwanpur, District Kaimur at Bhabua.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

4 22-02-2016 Heard learned counsel, appearing on behalf of the

petitioners, and the learned Addl. Public Prosecutor, appearing on

behalf of the State.

This application for grant of anticipatory bail arises out of
SC/ST P.S.Case No. 56/2015, disclosing offences under sections
341, 323, 504, 506, 448, 380, 427/34 of the Indian Penal Code and
section 3(i), (v), (x), (xi) of SC/ST Act.

The petitioners are father and son.

Learned counsel for the petitioners submits that they have
been implicated falsely because of land dispute between the
petitioners and the informant. He further submits that on the basis
of allegations, contained in the First Information Report, no
offence under section 3(i), (v), (x), (xi) of the SC and ST
Prevention of Atrocities Act is made out. He has further submitted

that as per the case of prosecution the occurrence had taken place on 8.11.2015, whereas the First Information Report came to be instituted on 15.11.2015 and there is absolutely no explanation for delay in institution of the F.I.R.

I find substance in the submissions advanced on behalf of the petitioners that the delay in institution of the F.I.R. creates a doubt over credibility on the case of the prosecution. This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabua in Bhabua SC/ST P.S.Case No. 56/2015, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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