

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3116 of 2016

Arising Out of PS.Case No. -52 Year- 2013 Thana -SC/ST District- MADHUBANI

- =====
1. Ramchandra Yadav Son of Maharaj Yadav
 2. Sanjeev Kumar Yadav Son of Ram Lakhan Yadav
 3. Ram Prit Yadav Son of Maharaj Yadav
 4. Ram Dular Yadav Son of Maharaj Yadav
 5. Ram Deo Yadav Son of Jhapasi Yadav
 6. Satto Yadav Son of Maharaj Yadav
 7. Bipin Yadav Son of Ram Lakhan Yadav
 8. Ram Lakhan Yadav Son of Janak Yadav
 9. Sogarath Yadav Son of Bilat Yadav resident of village - Kerba, P.S. Saharghat, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-01-2016 Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 452, 341, 323, 504, 379, 354 of the Indian Penal Code and Sections 3(1)(x) of the SC & ST (Prevention of Atrocities) Act.

The prosecution case is that on 22.08.2013 the F.I.R named accused persons including the petitioners and others came and threatened the informant. It is specifically alleged that petitioner No. 4 and one Sanjay Yadav wrapped towel around the neck of the informant and tried to throttle him and abused by calling caste name. It is also alleged that

informant was assaulted and when the family members of the informant came to rescue then accused persons outraged the modesty of the female members of the informant. The accused persons entered into the house and took away box containing ornaments and cloths.

It is submitted by learned counsel for the petitioners that for the occurrence of 22.08.2013 the complaint was filed on 06.09.2013 which came to be registered as police case on 03.10.2013. It is further submitted that on conclusion of the investigation the petitioners were not sent up for trial but differing with the final form, cognizance has been taken on 19.05.2015 under Sections 147, 148, 149, 452, 341, 323, 504, 379, 354 of the Indian Penal Code and Section 3(1)(x) of the SC & ST (Prevention of Atrocities) Act. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That in this case after investigation police submitted final form when the case was found false but learned Court below differing with the final form taken cognizance against the petitioner.”

It is further submitted that petitioners' side filed Saharghat P.S. Case No. 35 of 2013 against the informant's side when the petitioners' side received grievous injuries.

A statement has been made in para 3 of the

petition that petitioners have no criminal antecedent.

Considering the delayed lodging of the complaint, petitioners being not sent up for trial and petitioners' case filed at earlier point of time, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Madhubani in connection with SC/ST P.S. Case No. 52 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

U		T	
---	--	---	--