

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57647 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -HARIZAN District- BEGUSARAI

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1. Ram Prawesh Mahton Son of Pocho Mahto
 2. Pankaj Mahto@Pankaj Kumar Son of Ram Prawesh Mahto
 3. Ashok Mahto Son of Late Bahadur Mahto
 4. Sita Ram Mahto Son of late Kallar Mahto
 5. Ram Kumar Mahto Son of Sita Ram Mahto
 6. Bishundeo Mahto Son of Late Ramphal Mahto. All are Resident of Village Sankh Nabtoliaya, P.S. Mufassil, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-01-2016 Heard learned counsel for the petitioners and learned Special P.P. for the State.

Petitioners apprehend their arrest in connection with Begusarai SC/ST P.S. Case No. 39 of 2015 registered for offences punishable under Sections 147, 148, 149, 341, 323, 504 and 506 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that the informant submitted a written report to the S.H.O., SC/ST P.S., alleging therein that he is watchman of the field of Bhumihar of Rajura (Bhaso Singh). By the side of the said field, there is field of Ram



Pravesh Mahto. Ram Pravesh Mahto had grown cauliflower, but he did not use to guard his field. Someone had plucked cauliflower from his field. On 31.10.2015 at 7:00 A.M. when the informant reached to guard the field of Bhaso Singh, the petitioners, who were present there from before, surrounded him and abused by calling his caste name.

It is submitted by the counsel for the petitioners that they are innocent having no criminal antecedent and the present case is a counter blast to the earlier case lodged by one of the petitioners, bearing Mufassil P.S. Case No. 431 of 2015. Learned counsel for the petitioners further submits that admittedly there was quarrel between the parties, for which case and counter case have been lodged. Furthermore, counsel for the petitioners submits that offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not made out, as there was a quarrel between the parties.

On the other hand, learned Special P.P. submits that there was a quarrel and caste name of the informant was also taken.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of twelve weeks from today, be released on bail on

furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai SC/ST P.S. Case No. 39 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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