

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2533 of 2016

Arising Out of PS.Case No. -90 Year- 2015 Thana -SC/ST PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Harendra Rai
2. Devendra Rai
3. Rabindra Rai all are son's of Mahabir Rai resident of village- Basman Pur
Kakahiya Tola, P.S.- Motihari Muffasil, District- East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Ram Shankar Das, Spl.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 01-02-2016 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of SC/ST Motihari P.S. Case No. 90 of 2015, disclosing offences
under Sections 147, 148, 341, 323, 379, 354, 504 and 506 of the
Indian Penal Code and Section 3 (1)(x) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

Learned counsel for the petitioners submits that no
offence under Section 3 (1)(x) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities), Act, 1989 is made out
on the basis of the allegations contained in the First Information



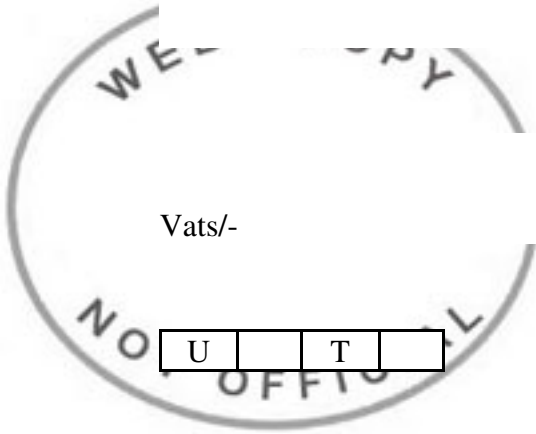
Report. He further submits that the case has been instituted by the informant in retaliation because of an earlier case instituted by co-accused and brother of the petitioners, Rajendra Rai vide Muffasil P.S. Case No. 157 of 2014 on 13.06.2014 for the offences punishable under Sections 364, 302, 201/120B of the Indian Penal Code in which the informant's son is the accused. He further submits that the allegation against the petitioners are general and omnibus in nature. It has been stated in paragraph 3 that the petitioners have no criminal antecedent.

In view of the submission as above, this application is allowed.

Let the petitioners, above-named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with SC/ST Motihari P.S. Case No. 90 of 2015, subject to the conditions as 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.



Vats/-

(Chakradhari Sharan Singh, J)