

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5978 of 2016

Arising Out of PS.Case No. -11 Year- 2015 Thana -SC/ST District- MADHEPURA

1. Niro Yadav son of Jhingo Yadav
2. Medni Yadav @ Medni Prasad Yadav Son of Late Santoshi Yadav
3. Rambha Devi wife of Medni Yadav @ Medni Prasad Yadav All residents of Village- Lauwalagan, P.S.- Chousa, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Kalyan Shankar (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 23-02-2016 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 Madhepura Police Station Case No. 11 of 2015, disclosing offences under Sections 341, 323, 379, 427, 504/34 of the Indian Penal Code and Sections 3 (i) (iv) (v) (x) Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act.

Learned Counsel for the petitioners submits that no case under Section 3 (i) (iv) (v) (x) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act is made out on the basis of the allegation as contained in the First Information Report. He further submits that all the



sections leveled against the petitioners in the First Information Report, except Section 379 of the Indian Penal Code and Section 3 (i) (iv) (v) (x) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, are bailable. According to him, a land dispute between the parties, for which a title suit is also pending, is the reason behind institution of the First Information Report containing false allegations.

Considering the facts and circumstances including the submission that the petitioners have no criminal antecedents, this application is allowed.

Let the petitioners, namely, Niro Yadav, Medni Yadav @ Medni Prasad Yadav and Rambha Devi, 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with SC/ST Madhepura Police Station Case No. 11 of 2015, subject to the condition 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 same 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.

Prabhakar Anand/-

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(Chakradhari Sharan Singh, J.)